

K. Woodward

THE
PRESENT STATE
OF THE
Church of IRELAND:

CONTAINING

A Description of it's PRECARIOUS SITUATION;
and the consequent DANGER to the PUBLIC.

Recommended to the serious Consideration of the Friends of

The Protestant Interest.

TO WHICH ARE SUBJOINED,

Some Reflections on the Impracticability of a proper
Commutation for TITHES;

AND

A General Account of the Origin and Progress of
the INSURRECTIONS in MUNSTER.

THE FOURTH EDITION.

WITH SOME SMALL ADDITIONS.

REVISED AND CORRECTED.

By *RICHARD* Lord Bishop of *CLOYNE*.

D U B L I N:

Printed by W. SLEATER, jun. 51, *Castle-street*.

M.DCC.LXXXVII.

REPORT
OF THE
COMMISSIONER OF THE
LAND OFFICE

CONTAINS
A LIST OF THE
LANDS BELONGING TO THE
GOVERNMENT OF THE
UNITED STATES
AND A DESCRIPTION OF THE
SAME
AS FAR AS THE
LAND OFFICE IS CONCERNED
IN THE YEAR 1852

48.
4. 7.
139.



ADVERTISEMENT

TO THE

R E A D E R.

THE Importance of the Subject of these sheets, which involves the Existence of the Established Church, must apologize for the unreserved manner, in which the Author has delivered his sentiments; particularly with regard to the two respectable bodies of his fellow-citizens, who dissent from it. In every part of his reasoning, his object has been, to combat opinions, and not to attack men. If in any instance, individuals have distinguished themselves by publick Declarations, in such a manner, as to induce a suspicion, that an allusion to those declarations is intended; he disclaims any design of giving personal offence. He regrets, on many accounts, that he could not

do justice to his cause, without raising such an association in the mind of the reader; who will recollect the Asperity, with which the Clergy have been calumniated, and the absolute necessity of vindicating their Character, so essential to the success of their ministry, before he censures the plain truths urged in defence of them, and in support of the Established Church. Having said so much with regard to the Matter, the only plea he has for deficiency or inaccuracy in the Manner of treating it, is the Haste, with which this pamphlet was drawn up, in the distraction of business occasioned by the situation of his persecuted Clergy; and the necessity of so immediate a publication, as would not allow a sufficient revival. Since it was finished, he has seen an Address to the Nobility and Gentry of Ireland, by a Layman; in which many of the Observations in this tract are anticipated, with so much ability, that the Author would have struck them out, if they had not been necessary to the chain of his argument.

INTRO-

INTRODUCTION.

LEST any Readers should be disappointed, by looking for the discussion of matters, foreign from the purpose of the Author; it may be proper to apprise them, what they are not, as well as what they are, to expect.

It is by no means his object, to enter into a defence of Ecclesiastical Establishments in general. To evince the propriety of them, he relies on the manifest necessity of instructing the people in their duty, as Men, and Citizens; the impossibility of fixing Morality on a broad, or indeed any sure, basis, but that of Religion; the necessity of establishing in the Mind of the Subject, an Internal principle, as a collateral aid to the check of the Law; and the authority of all Christendom, since the days of Constantine*.——Some of the new American States seem indeed inclined to hazard an experiment, (the first perhaps on record) of separating Civil polity from Religion. But what sober man would think of balancing the novel hasty speculations, of a People little trained in Learning,
totally

totally unpractised in the arts of Government, under the dominion of that spirit of Enterprize and Innovation, which raised them to the rank of Legislators, and in an agitation of mind, sufficient to distract the wisest heads; against the cool concurrent decision of the most Improved States in the world, confirmed by the experience of ages?

Further; it is not the object of the Author, to vindicate the Reformation, or the establishment of Episcopacy. These points of Religious Controversy with the Churches of Rome and Geneva, have been frequently discussed by men of far greater ability, and in a manner much more diffuse, than would be proper for his present plan.

The business of this little Tract is, to place the Church in a point of view merely Political; to prove to the Gentleman of Landed property in this Kingdom, that it is so essentially incorporated with the State, that the Subversion of one must necessarily overthrow the other; and that the *Church of Ireland is, at the present moment, in imminent danger of Subversion*. In the course of illustrating these grand points, such Evidences will appear, not only of the unprovoked Injuries, which the Clergy have lately sustained, and are still daily suffering, in their Persons and Property; but likewise of the Difficulties, under which they constantly labour, in the discharge of their Duty; as may, if they do not
incline

incline the Publick to their Relief, at least protect them from illiberal and unmerited Abuse.

On the whole, the perusal of these few pages may possibly place in a light, new to many, matters of very high import; may induce some, whose thoughts have been hitherto intent only on present and partial inconveniencies, to consider all the consequences maturely, before they risk an Alteration; may caution the friends of the Constitution against State-Empiricks; may lead them to weigh, in a fair balance, the wisdom and experience of the few patrons of any sudden project, for a Change in the mode of supporting the National Clergy, against the joint opinion of the multitude of Sage Legislators, (names which adorn the history of the most enlightened nations upon earth!) who have for so many ages given their deliberate sanction to the antient system of Tithes; may tempt them to suspect the Prudence of men, who pay no deference to such Authority; and to impute their boldness in enterprize, not to a more enlarged view of the Subject; but to a want of that degree of Knowledge in Ecclesiastical affairs, and their Civil consequences, possessed by those other Statesmen; which *must* have discovered the difficulties and bad effects of Innovation.

THE
PRESENT STATE
OF THE
Church of *IRELAND*, &c.

SECTION I.

*Of the importance of the Ecclesiastical to the
Civil Constitution of this Kingdom.*

ON a general review of the several Countries in Europe, one cannot fail to observe, that almost every legislature has adopted an Ecclesiastical polity, conformable to the genius of the Civil constitution. It was naturally to be expected, that the general principles of Government, adopted, as the best, by the ruling powers, should pervade (as far as they could be applied to) all departments; and this expectation is answered by the facts. Despotick States, whether the Supreme power were lodged in One or a Few, have found

in the Papal authority, a congenial system of arbitrary dominion; and of course have regarded Popery as a powerful ally, or at least an useful engine of State.* Republicks, proceeding with a like consistency, have adopted the levelling principle of the Presbyterian Church; while the several Monarchies of the North, and almost all the Principalities of Germany, which embraced the reformation of Luther†, still retained Episcopacy, as congruous to their form of Civil government. It may be observed too, that all these Sovereigns, at the time that they emancipated themselves from Papal oppression, were limited in the exercise of their own power, by Privileges of the States, or different Orders of their Subjects; and thus Religious and Civil Liberty, seldom to be found apart, went hand in hand. In the vicissitudes of human affairs, as it is natural to expect, extraneous circumstances have occasionally interrupted the operation of these General principles. Feuds between the states in Denmark, and foreign intrigues in Sweden, have caused changes in the constitution of those countries; but it is worth remarking, that in the year 1660,

* The Author is so far from justifying this alliance, that he thinks it a Combination against the Natural rights of mankind. He is merely stating, that such a combination has taken place.

† The Northern Monarchs, who had left Revenues, adequate to the support of that rank, retained the old title of Bishop; the German Princes, whose rapaciousness had embezzled the Clerical estates, invented the new name of Superintendent, a word of precisely the same import.

1660, when the Danes made a voluntary surrender of their liberties, and declared the Crown of Denmark (and that of Norway of course) absolute in all civil matters, they secured the Lutheran religion, by a special reserve. * Despotism was controlled in that sole instance, lest it's bias should bring back Papal tyranny.

In England, from whence our establishments were copied, the system of conformity between the Ecclesiastical and Civil constitution, seems to have been studied with a peculiar degree of exactness: They were formed so precisely on the same model, that the whole was likened to a Double Cone, united by the authority of the Crown. And so essential was the preservation of the Church esteemed to the welfare of the State, that the Barons, when they were laying the foundation of English liberty, made it the first Article in Magna Charta, that "the Church of England shall be free, and enjoy her whole rights and liberties, inviolable." On the same principle, at the Revolution, when the boundaries of those liberties were fixed with greater precision, and our present unrivalled constitution finally settled, it was made part of the Coronation Oath, That "the King should, to the utmost of his power, maintain the Protestant Religion, as by law established; and preserve to the Bishops and Clergy, and to the churches committed to their care, all such rights
" and

* The King bound himself to observe the Word of GOD and the Confession of Augsburg. Danish Code B. I. Ch. 1. A. 1.

“ and privileges, as by law do, or shall, appertain
 “ to them, or any of them.” Need I produce any
 further evidence, that the Ecclesiastical constitution is interwoven with the Civil? I shall not insult the understanding of my reader, by entering into a formal Defence of a constitution, confessedly the best that ever existed: My business is only to state a fact; that the Ecclesiastical establishment is an essential part of it.—The Revolutions of the last century evinced the natural union of the Civil with the Ecclesiastical branch of the constitution; They fell, and rose again, together. It is much to be feared, that the Republican system in America will subvert the Episcopal church there; notwithstanding a faint effort in some of the States to preserve it,

The Kingdom of Scotland may perhaps be held forward, in opposition to these principles: but besides that a single exception is never a fair objection to a general rule, as probably owing to some particular collateral circumstance; in this case, that circumstance is apparent. When the suppression of Episcopacy took place in Scotland at the Revolution, it could not be supposed, that the ascendancy of the Presbyterian Church in the smaller country, could affect Monarchy in the two Kingdoms, whose Crowns were united. But William, biassed, as he must naturally have been, in favour of the Presbyterian Church, did not wish
 the

the establishment of it, even in Scotland. † He was induced to yield to the suppression of Prelacy there, only by the Opposition, which the Bishops, attached to the House of Stuart, unanimously gave to the proceedings in his favour. He publicly declared his wishes to preserve them, notwithstanding the Article against Prelacy in the Claim of Rights: but added,* that “if they continued to oppose the new settlement of the kingdom, and by a great majority in Parliament, resolutions should be made in their disfavour, the King could not make a War for them.” In an earlier period, the apprehensions of James the First were much alive, on that head. They are manifested by his aversion to the Puritans in England, and his favourite maxim; *No Bishop, no King*. It should seem, that he had a foreboding of the events, which happened in the Reign of his Successor.

This sketch will suffice to shew the close connexion between the Civil and Ecclesiastical constitution,

* See Burnet's History of his own Times.

† That this great Prince was sensible of the congruity of the Ecclesiastical to the Civil constitution of England, is evident from the beginning of his message to the Convocation assembled in 1689.

“His Majesty has summoned this Convocation, not only because it is usual upon holding a Parliament, but out of a pious zeal to do every thing that may tend to the best establishment of the Church of England, which is so eminent a part of the Reformation and is certainly best suited to the constitution of this Government.”

Tindal's Continuation of Rapin.

tution, in every country; but in this kingdom, many peculiar circumstances render the support of the Established Church more essentially interesting to the Landed Gentleman, the Protestant Government, and the British Empire. The Subject is extremely delicate; but the Moment is critical; *it is decisive of the Protestant interest*—— Truths, which in happier seasons should rest in oblivion for the preservation of general harmony, must now be brought forward to publick notice, and impressed, as forcibly as possible, on the minds of Irish and British Protestants of every denomination. The delicacy which stifles them must be false; because it would be fatal.

The outrages of the Whiteboys in the South, supposed to be confined to Tithes (which alone would be a matter of no little moment to the Protestant Religion, as shall hereafter be proved) do by no means stop there. They extend to the Persons of the established Clergy; who are hunted from their Parishes*. They control the proceedings of Vestries, in granting money for the repair of
of

* In the Diocese of Cloyne, seven Rectors of parishes, hitherto constantly resident, have applied to the Ordinary, for leave to absent themselves, from well-grounded apprehensions of personal danger; three of whom are so reduced in their incomes, from a competency of two or three hundred pounds a year, that they do not receive a Curate's salary; and of course Divine service is discontinued. It is obvious, that by a similar proceeding, the Whiteboys have it in their power to suppress entirely the Protestant Religion in Munster, Connaught, and even Leinster, Dublin excepted.

of Churches, and other things essential to the decency of Divine Worship, though the Roman Catholicks are very reasonably precluded by law from voting on such occasions: In one instance, they have proceeded to such extravagance, as to nail up a † Church, to forbid the Curate at his peril to officiate, though the Rector was disabled by age and infirmities; and to force the Clerk to swear not to attend him; In another, to threaten publicly, and to bind themselves by Oath (in presence of one of the Church-Wardens) to burn a * new Church, unless the old one were reserved for a Mass-house. Now if to such violence of a Popish mob, assembled in various and numerous bodies, through the entire Province of Munster, and part of Leinster and Connaught, provided with arms forced out of the hands of Protestants, and extorting money to purchase ammunition, and defray the expence of their nightly excursions, as well as the support of their Confederates under confinement, be added, The connivance of some members of the Established Church, the supineness of more, the timidity of the generality of Magistrates, a corrupt Encouragement of these lawless acts in not a few, the difficulty of prevailing on Witnesses to appear (not only from the danger of appearing, but from the Oaths extorted from them, not to appear) against criminals

† The Church of Donoghmore, in the Diocese of Cloyne.

* In the parish of Glanmire, in the Diocese of Cork.

minals the most notorious*, the natural effect of the impunity of such criminals, the consequent temporary subversion of the Provision for the established Clergy, which, if continued, must terminate in the extinction of the Order; and what is still more to be feared, because it creates less publick alarm, a rash spirit of innovation in ecclesiastical matters, too general an indifference to all religion, and the influence of the two great bodies of Dissenters on future arrangements; No man of reflection can doubt, but that the situation of the established church is dangerous in the extreme. But as the danger, though by no means remote, may be too distant for the short sight of the bulk of the people, and much industry is employed to blind

* The effect of this is proved by the proceedings at the last Assizes in Munster; where after the multitudes of instances, of breaking-open houses, robbing the inhabitants of fire-arms, ammunition, and money; of incendiary letters; of maiming inoffensive and helpless persons; and other capital crimes, notoriously committed, in every quarter of the Province, by many different parties of men, each amounting to several hundreds; so that the number of persons guilty of capital felonies must have amounted to thousands; only *two* persons were Capitally convicted; and *not one*, in the extensive County of Cork, where the outrages were at least as flagrant and general, as in any other. The cause is obvious; Witnesses did not dare to appear. And the repetition of like offences, since the Assizes, when all disputes about Tithes were at an end for the current year; the continuance of assembling in numerous well-armed bodies, and passing *winter-nights* in levying money, and taking fire-arms forcibly and feloniously from the Protestants, a proceeding which now extends to the province of Leinster, within less than 50 miles of the capital; are proofs too pregnant, of the effect of the impunity of their associates, and of their future intentions.

blind them, by treating this Infurrection as a matter of little moment; it becomes the indispensable duty of such, as by situation were enabled, and by duty are called on to watch it's progress, to *speake out*; not fearing, though not wishing, to give offence; and to sound the alarm, whilst it is *yet time*. For though a perfect reliance may be had on the good intentions of Government; yet in a constitution like ours, and in a case which comes home to the breast of every Protestant, it is expedient, in order to facilitate the execution of those good intentions, that the people at large should be informed of their true interest and their real situation: Nay it is absolutely necessary; as it is scarce possible for a Chief Governor to stem the violence of the populace, when it is abetted by such, as ought to be better informed.

I need not tell the Protestant proprietor of land, that the security of his title depends very much (if not entirely) on the Protestant ascendancy; or that the preservation of that ascendancy depends entirely on an indissoluble connexion between the Sister Kingdoms. But let him consult his own reason, (and the times render it necessary, that he should consider *without delay*) how these great points are to be secured. Is it by increasing the influence of Popery? The idea is revolting to common sense. For, not to take into consideration the singular system of education of the Roman

Roman Catholicks of this country, (which calls aloud for some prudent regulation) as well as other *peculiar* circumstances in their situation; every sincere member of their Church cannot but wish the Establishment of it. He cannot but think it his Duty, not only to GOD, but his Neighbour, to bring him within (what he conceives to be) the pale of Salvation. It is a well-known fact, that they are all zealous in making Profelytes. The inference is obvious: It is the business of the Protestant Government, while it allows (for it's own credit, as well as from motives of humanity) to the Roman Catholick freedom of Religion, which is his Natural indefeisible right, and every comfort as a Citizen, which is an equitable Political right, [and this is the utmost extent of rational Toleration, the very term implying superiority and a *right* of control] to preclude him as much as possible from influence, for fear of losing the *power* of control. Is it by further strengthening the hands of the Protestant Dissenters, that the constitution is to be preserved? This is a favourite doctrine with some: because the levelling principle of Presbyterians renders them tenacious of the privileges of the subject; and their apprehension for the freedom of their own consciences has made them, (as I trust, it will always make them) zealous opposers of the establishment of Popery: But important as their support is to a general system of Liberty, and the Protestant religion, the notion, that the whole of our constitution should be

be trusted to them, will not bear examination. Before however my readers decide upon that question, it may be necessary to inform some of them, that most of the leading Presbyterians in this Kingdom (indeed all, whose Opinions the Author has been able to collect) differ essentially from their brethren of Geneva, Switzerland, Holland, Germany, and Scotland, as they reject the idea of any National Church. If the church of Scotland, to which they have an hereditary attachment, and to the forms of which they adhere, were established in this kingdom, they would *still* dissent. They are Independents, in a Civil view; though they are Presbyterians, as to Ecclesiastical discipline. Their principles do not, like those of the Roman Catholics, tend to set up, but merely to pull down, an Ecclesiastical establishment. From these Premises the Conclusion is manifest; and in such times, the plain truth must be spoken, *and it is for the essential interest of the Protestant Dissenter, that the truth should be proclaimed,** That of the three persuasions, the members of the *established* church alone can be cordial friends to the *entire* constitution of this realm, *with perfect consistency of principle.* And without such consistency, no Body of men (for we speak not of the particular characters of Individuals) can be entitled to national confidence.

The Members of the two Dissenting Communi-
ons will in candour impute such of the Author's

B 2

reflections,

* See Section 6.

reflections, as seem to bear hard on the Political operation of their respective tenets, to the unhappy circumstances of the times, and the duty of his station; and not to a want of that liberal and Christian spirit of Toleration, which he feels in his own breast, and has uniformly endeavoured to exhibit in his private and publick conduct. They will likewise observe, that the present argument does not apply to the Abstract Truth of their principles, much less to an impeachment of their conduct; but merely to the effects which those principles, whether true or false, must naturally produce on their respective dispositions, (and most strongly, in minds of the greatest integrity) towards the present Constitution of this kingdom. A just care of that constitution requires the Author to point out the danger to the publick from the tenets of the Sect, for a virtuous adherence to which, he should esteem the Individual. The principles contained in a Letter to a Noble Lord in this kingdom, from a Right Honourable Commoner in England, circulated at first in Manuscript, (at a very critical period, when a Bill in favour of the Roman Catholicks was depending) and afterwards printed, which expresses the wishes of some of the friends of the Roman Catholick interest, and are evidently subversive of the Protestant Ascendency, will justify what has been said, with respect to the necessity of excluding Papists, as much as possible, from Political influence. The security

security which an Oath of Allegiance could give, does not apply to the danger of *undermining* the Ecclesiastical Establishment in a *peaceable* manner, within the forms of the constitution.— Were the Roman Catholick Freeholder allowed to vote for a Member of Parliament, (for instance) would he not have Influence over his Representative, even if he did not claim *a right to instruct him*? Must he not, as a conscientious Christian, with the (quiet) establishment of what he thinks the true Church; and contribute every thing, consistent with the Laws of his country, to suppress Heresy? How would such a proceeding clash with his Oath of Allegiance to the King, or his disavowal of the Pope's Authority in the temporal affairs of the Kingdom?

But it may be suggested, that the terms of the Oath might in future be extended to comprehend the entire constitution; and then the Protestant Ascendency would be secure. I am ready to believe, that many individual Roman Catholicks are men of such integrity, that they would adhere to such an Oath, if they thought proper to take it; for Men are often better than their Tenets. But what would their church say? I need not conjecture. The reader will see a direct decision of this point by the Legate at Brussels, who had the superintendence of the Romish church in Ireland, in his letter to the (titular) Arch-Bishop of Dublin,

in

in the year 1768; when an Oath of Allegiance for the Roman Catholicks of this country was in contemplation. This letter was published by Thomas de Burgo, (Burke) titular Bishop of Offory, and publick Historiographer to the Dominican Order in Ireland, in his appendix to his *Hibernia Dominicana*, printed in 1772; and together with three similar ones, to the other three [titular] Metropolitans, stiled by the Bishop *Literæ verè aureæ, cedroque dignæ*.—* The Legate treats the clauses in the proposed Oath, containing a declaration of abhorrence and detestation of the doctrines, “that faith is not to be kept with Hereticks; and “that Princes deprived by the Pope may be deposed or murdered by their Subjects” as absolutely *intolerable*; because, says he, those doctrines are defended, and contended for, by most Catholick nations, and the Holy See has frequently followed them in practice. On the whole he decides, that “as the Oath is in it’s whole extent unlawful; so “in it’s nature it is invalid, null, and of no effect, “so that it can by no means bind, or oblige “consciences.” That similar decisions on the validity of Oaths, detrimental to the interests of the Holy See, were uniformly made, whenever such occasions offered, by successive Popes, is well known. The prudent Protestant will therefore judge, what effect such a decision on any future Oath might have on the Roman Catholick populace

* It is inserted at length in the end of this pamphlet.

face of Ireland, from the degree of Respect paid by them to Oaths in general (which is not increased by the late proceedings in Munster!) and the degree of their Bigotry; *even if there were no other sources of dislike to the Protestant Government.* I am aware, that there is a distinction held forward, and a real distinction too, between the Gallican and other Roman Catholicks; though the liberties of the former did not gain ground by the proceedings in 1765, on the Bull *Unigenitus*.—But what proportion of the Popish inhabitants of this kingdom would know, what is meant by the *Gallican Church*? Who is the *authorized voucher* of it's doctrines, to be set in opposition to the *Legate* of the *Pope*? We may judge, what will be the doctrines of the (titular) Bishops, by the clauses in their Oath at Consecration, which follow : *

“ The Roman Papacy, and the royalties of St.
 “ Peter, I will, saving my own Order, assist them
 “ [the Pope and his successors] to retain, and
 “ defend against every man.—The rights, honours,
 “ privileges, and authority of the holy Roman
 “ church, and of our Lord the Pope, and his
 “ Successors aforesaid, I will be careful to preserve,
 “ defend, *enlarge* and promote.—All Hereticks,
 “ Schismaticks, and Rebels against our said Lord
 “ and his Successors aforesaid, I will, to the utmost
 “ of my power, prosecute [the term *persequar* is
 “ ambiguous] and oppose.” Will he then be
 likely

* See the whole Oath in the Appendix.

likely to use his influence over his flock, to enforce the obligation of an Oath, derogatory from the *Royalties* of St. Peter, and the authority of the Holy Roman church; and calculated to give stability to Herefy? Will he not think that Oath, *malum in se*; and rather to be repented of, than kept? He would not (I allow) absolve the man of the Guilt of having taken it, without his repentance; but he would probably say (as the Roman Catholick Prelates of Munster very properly declared, with regard to the Oaths extorted by the Whiteboys) that the Observation of it would aggravate the guilt.

From this view of the general principles of the two great bodies of Dissenters, it is evident, that tho' they may acquiesce for a time, in establishments which they dislike, from love of quiet; yet whenever a safe opportunity shall offer, to give free scope, those principles will operate. The weight of the National Church ought therefore to be preserved, in the balance of the State; which balance must be as effectually destroyed, by whatever weakens the Ecclesiastical Establishment, as by a positive addition of strength to either of the Dissenting Communions. That this is the immediate tendency, if not the premeditated design, not only of the riotous proceedings in Munster, but of the principles disseminated by some of the publick prints, shall be clearly proved in the following pages.

The

The friends to Innovation may be divided into two classes: Those who complain of the Extortion of the Clergy, and aim at a reduction of their incomes by a lower composition for Tithes; and Those who profess a Regard and Esteem for them, but propose a Commutation of their present provision, for some other, at once more convenient to them and the Laity. Each of these Innovations shall be considered in it's order.

SECTION

SECTION II.

On the Charge of Extortion in the Composition for Tithes.

IF this Charge be examined by principles of Law, (and in what other manner, can a question of Property be determined?) the supposition is, on the face of it, absurd.—The matter lies within a very narrow compass. The State has allotted Tithes for the maintenance of the Clergy. It is the most ancient establishment in the realm,* prior to the date of the titles of almost every estate, supported by Common, and sanctioned by Statute Law. No man can plead a stronger title to any species of property, than the incumbent of a parish to his Tithe: No private man, so strong a one; for it requires no proof; it is due of common right, and not liable to be injured by Prescription; except

* How early Tithes were established in Ireland, even the diligence of Selden could not ascertain; but he quotes "an ancient Law ordained by Henry III. within the Arch-Bishoprick of Dublin, whereby it was commanded, that every Man, non expectato mandato Regis vel assensu de gurgitibus & piscariis, Ecclesiis in quarum parochiis sunt prædicti gurgites yel piscariæ, Decimas solvant, quia Rex non vult, in periculum animæ suæ, hujusmodi Decimas detineant." Selden on Tithes, Chap. 7.

except where a *modus decimandi** (which supposes an Equivalent) can be established. No other person has the shadow of a claim to it; nor has either Landlord or Tenant the shadow of a right to complain, that his land is subject to that burden: for on that account, the former purchased the fee the cheaper; and the latter pays less rent; each has received a valuable consideration for submitting to it. Neither of them has, in law or justice, a better right to the Tithe of his land, than he has to any other property of any other man†. If then
the

* The *modus de non decimando* is merely personal to the King or Clergy, and does not extend even to their tenants. The proprietors of Abbey-Lands represent the Clergy, in virtue of the Statute of Hen. 8.

† It has been occasionally suggested in conversation, and even in print, that Tithes were merely *wages* paid by the State, and not, properly speaking, a *property*. I agree in the first idea; but do not discern, why the two ideas are incompatible. Many ancient offices, as that of Constable of the Tower, &c. have Freeholds annexed to them. Such are the possessions of the Clergy; and in one respect, the Official tenure of Clerical property is more secure, than that of Lay property: Land may be forfeited for crimes, and on that forfeiture reverts to the Crown: whereas even treason in a Clergyman can only deprive the Individual Traitor of his Glebe or Tithe; which descends to his Successor unimpaired.—If it be said, that the property of the Clergy has been resumed by the State, for publick convenience, in the suppression of religious houses; I answer, so are small portions of land likewise, for the publick service, in making roads, canals, &c. In all these cases, the rule is, *Salus populi suprema lex*.—I do not impeach the right of the whole legislature to make alteration; but contend, that till an alteration shall have been made by *that supreme authority*, neither the Crown, nor one House of Parliament, much less any fellow-subject, can deprive the Clergyman of his right, which is a Freehold; and at the same time submit to the members of the Legislature the impolicy of changing the ancient system.

the Farmer desire to purchase it, he (like other purchasers) must offer what the seller thinks the value; but as he is under no Obligation to purchase, it is absolutely impossible for the Clergyman, the Impropriator, or any person deriving under either of them, to *extort*. He is entitled by law to take his own tenth, after it is separated from the other nine parts, and set out by the owner; and no more. And in so doing, he proceeds no otherwise than the Proprietor of an estate, who not approving the rent proposed by a tenant, takes the land into his own hand. So stands this matter, as a question of Property. § The terms therefore of *extortion*, *exaction*, *oppression*, and the like, lavished with such profusion on the Clergy, are clearly

§ From this state of the case it is evident, that the National Clergy are not paid by their Parishioners, but by the Publick; and consequently that the complaint made by some of the Dissenters of the two Communions, or rather by others for them, That they pay two clergymen, is ill-founded. The Tithe of the land is not in any sort their Property; nor are they either necessitated, or entitled, to consider it as such. It is merely a Burden, to which their property is liable, like the Crown, or Quit-rent, or Hearth-money. The stipend or fee to his own Clergyman is the whole, which the Protestant Dissenter, or Roman Catholick, pays out of his own pocket. And that He should bear that expense, is highly reasonable: nay, it is unavoidable, from the nature of Toleration: If the State were to pay it, the sect would be Established. The present Emperor (held forth with great justice, as an illustrious example of Toleration) qualifies his indulgences to his Protestant Subjects with this necessary condition, “*pourvu qu'ils en fournissent les Frais necessaires.*” Such and no other is the hardship, so much dwelt upon by the ignorant, in the news-papers, as well as in common conversation.

clearly as inapplicable in Law, as they are undeserved in Fact. They come naturally enough indeed, from the mouth of a Peasant, vexed at his disappointment of a good bargain; but they fall with an ill grace, from men of a Liberal, and with great inaccuracy, from men of Legal education. The bad effects of such unguarded expressions, though doubtless not foreseen, have been severely felt by individuals, and the publick.

It is represented with a great parade of Charity, that the Clergyman's Tithe bears hard upon the Poor. This can never be true; though repeated with such confidence, that without a knowledge of the subject, one should be tempted to think, that it admitted no doubt. But let us fairly state the case. The Cottager, when he took the land at a certain rent, was perfectly aware, that the tenth part of the produce, though raised by his labour, was not to be his, but was to be the undisputed property of his Parish-minister. If therefore the burden of both Rent and Tithe be too heavy, it cannot with any shew of reason be set down to the account of Tithe, which is an original definite charge on the land, of which all parties were fully apprized: but must be imputed to the tenant's having afterwards engaged inconsiderately (or more often, from dread of being outbid) for more rent than the nine parts could bear. If there be any extortion, the Landlord, not the Clergyman, must be the extortioner.

The

The idea, that a covenant between landlord and tenant should deprive a third person of his prior claim on the land, is too ridiculous to deserve a serious discussion. A similar plea in bar to the demand of the Crown, or Quit-rent, or Hearth-money, would, I believe, not be treated with much respect by the Commissioners of the Revenue. Does the Head-landlord (as he is called in this Kingdom) admit it as a reason, for not distraining the goods of the Occupier of the ground, that the occupier had already paid a severe rent to the Lessee, from whom he holds? However, where the joint burden of Tithe and Rent is too heavy for the poorer tenantry, I dare engage, that the Clergyman will always be content to wave his priority of claim, and cheerfully meet the benevolence of the Landlord for their relief, in a full proportion to his comparative demand. Let the experience of every parish decide this matter. If a fair inquiry were made, who of the two remits the greater proportion of the sums, which the Cottager has engaged to pay, it will then appear, to whose severity his distress is to be attributed; and that the Clergy are as much superior in the tenderness of demanding, as in the moderation of their demand.

But is there not a kind of equity, in favour of the Tiller of the ground, whose industry produced the Tithes? Here the inquiry begins to wear the aspect

aspect of common sense. The Clergy will readily join issue on this footing; and I venture to answer in their name, *Undoubtedly*. I am *forward* to declare, that a Clergyman would do little credit to his profession, who is not strongly impressed with this liberal sentiment; and, further, that I am confident very few, if any, can be found, of our Order, who do not give up, knowingly and willingly, a considerable proportion of their legal right. But in addition to that Good-will, the nature of the transaction renders it of necessity advantageous to the *Farmer*. The Clergyman, a man of scholastick education, untrained in country business, often unprovided with land, or the means of carrying away his portion even from a single farm, is obliged to treat at the same time with perhaps several hundreds of parishioners, for the price of his scattered property; consisting of the tenth part of the various produce of their respective lands. Can it be supposed, that in such a situation, he can expect the value? He must, and it is well known, does constantly allow a very considerable profit; frequently, I might say, generally, exceeding his own income. The violent outcry against Tithe-farmers is conclusive, that a *great* profit is expected from the *Clergyman*; as it is manifestly impossible for even the keenest Tithe-farmer to get the full value. Nay, the very burden complained of by the Cottager, too often not without reason, is a strong presumption, that when he proposed for his holding, he

he had reckoned too much on his future bargain with the Clergyman, for a resource to pay his Landlord's rent. That the Clergy do not think of getting their full tenth, is a point, which will not be contested by any man, who has made inquiries on the subject. The Author is happy to have it in his power to declare, from the highest authority, that the report of a Noble Lord (lately sent into Munster, with the Civil and Military powers united, in order to suppress the Insurrections in that Province) to Government, bore a just testimony to the Moderation of the Clergy.

But it is frequently alledged, by such as give credit to the Clergyman himself for a liberal intention, that this intention is defeated by Proctors, or Tithe-farmers, employed under him; and likewise by a set of persons called *Canterers*, who bid for tithes, and of course raise their price. As I have already proved, that from the nature of the transaction, injustice and extortion are impracticable; the sole complaint against those different persons must be, that they prevent a proper Liberality on the part of the clergyman, and curtail the farmer's Profit too much. Let us therefore fairly inquire, how far a clergyman is to blame, for employing or dealing with them; which will appear by a plain account of their respective relations to him.

The *proctor* is a Servant employed to do that kind of business, which the clergyman could not undertake

take in his own person, either with advantage, or with credit to himself; namely, to view and value the crop of the parishioner, and afterwards to chaffer with him about the price of the tithe. The office of Proctor answers to that of Steward or Agent to the landed Gentleman: and if either be corrupt in the discharge of his trust, by exacting any thing beyond his acknowledged fees, it must be by collusion with the Farmer; and such collusion must constantly operate in disfavour of the Employer. But that such Servant should be retained, is clearly as much a matter of necessity in one case, as the other, or rather more; for surely if the Clergyman were to consume his time in such a low invidious employment, as prying into every field of his several parishioners, and afterwards wrangling about the value of his tenth, such an intercourse would little tend to diminish the Ill-will alledged to be created by tithes, to conciliate the Love of the people to the person of their pastor, or to raise their Respect for the clerical character. But there is a further indispensable reason for employing Proctors to view; as the Oaths of two persons are required in the ecclesiastical Courts, to prove the value of tithe subtracted, and the Oath of the Clergyman himself is inadmissible.

The *Tithe-farmer's* office is described by his name. He rents of the incumbent his tithes for a certain sum, and sets them probably at a higher rate, than the occupier of the land would other-

wife pay. In any case therefore, where the parishioners are disposed to treat reasonably for their tithes, the clergyman would act unkindly, and improperly, though not unjustly, by letting them to farm. But this can seldom, if ever, be supposed to happen; because exclusive of the natural wish in the breast of every man, to conciliate the love of his neighbours, the Minister is a certain loser of at least 15 p^{c} cent. by this mode of managing his business; that being the difference between the wages of Proctor, and the *avowed* profit of a Tithe-farmer. The unreasonableness of the country people is the sole cause of such Agents being employed; and in this, as in most other cases, unfair dealing deservedly recoils on those, who are guilty of it.

The third class of persons complained of are *Canterers*, or men who bid for the tithes of their neighbour's land. This complaint is now an additional proof of the high profit expected by the Farmer; but the absurdity of it is too glaring. It amounts to this; a man wants to buy the property of another, and represents it to the publick, as an oppression not to be borne, that any one should offer for it but himself. Can such Nonsense be answered? The prejudices of the people, and the popular cry echoed, tho' not believed, by the enemies of the National Church, must apologize to the reader for the bare mention of it.

For

For (strange to think!) even this nonsense, gross as it is, has it's advocates. It is however obvious, without the fear of such Bidders for tithes, they must always be sold to the Farmer at his own price; from the impossibility of drawing the tenth part of the crops of a whole parish. It ought likewise to be remarked, that these Canters are seldom resorted to; and never, except in cases, where the Farmer's offer is more than commonly unreasonable. *His Tithes are never advertized, to invite the highest bidder without any preference; as his Farm will probably be, at the expiration of his lease.* Nor would any man think of proposing for the tithes of another, as such proceeding incurs universal Odium, without any expectation of immoderate Profit; which is a *sure* check on the abuse of the practice. This practice of buying tithes is advantageous to the Poor; it is a resource for the Labouring class of people in small towns, and for Cottagers, who have not tillage of their own, or whose little crop has failed; as they procure necessary food for themselves, and fodder for their cattle, at a rate far below the common price even for ready money, with the advantage of long credit without interest, in place of the oppressive Usury practised by the Farmer. The suppression of this practice by the Whiteboys has reduced numbers of poor families in Munster to the utmost misery.

Now when these different persons, held forward to the publick as engines of Oppression, are thus fairly described, and the relations they bear to the Clergy explained, they will be found perfectly inoffensive; and precisely the same characters (under other names) as the Steward of the landed gentleman; the Farmer, who rents his land; and the Proposer for it, when untenanted. To preclude the clergy of *this Kingdom* from resorting to such aid, would be to give them a nominal property; and at the same time to render it impossible for them to avail themselves of it.

But still it may be suggested, that the usual composition, tho' favourable to the Farmer, is yet higher than what is competent for the support of a Parish-minister; and that Mischief may arise from enriching the Clergy. This is an ordinary Cant of men, who use words without discriminating ideas; who apply general Maxims at random, without adverting to circumstances and manners; and at the same time is useful to cover, what is really working at the heart, a scheme of increasing Rents, at least in the *same* proportion, that Tithes should be diminished. I shall therefore enter into an investigation of the Fact; as well as a discussion of the Principle, which is of greater extent, and involves more publick danger, than some country gentlemen may be fully aware of.

SECTION

SECTION III.

Of the Revenues of the parochial Clergy.

THE competency of a Salary must be measured by the proportion, which it bears to the Importance of the service, together with the Rank and necessary qualifications of the person employed. Now the establishment of a Parochial Clergy, to instruct the people in the principles of religion and virtue (an institution unknown to Paganism, even in the most polished countries, and one of the numberless blessings to the world, introduced by Christianity) tends more than any other, to civilize mankind; and is a principal cause of that superiority of Morals, which distinguishes Christian countries. In this point of view, it becomes an object to a wise Statesman, even though he were so blinded, as to disbelieve the Speculative Doctrines of the Christian Religion, to support an Order, instituted for the purpose of instilling into the minds of the people *it's moral rules*; of inculcating by example, as well as precept, sobriety, justice, humanity, industry, and submission to Government, which are the basis of order and publick prosperity. But their duties are more or less extensive, according to the circumstances

cumstances of the people, whom they are appointed to instruct. They are more arduous, in proportion to the opposition of Dissenting sects; they are more laborious, in proportion to the want of Civilization; they are more complicated in Free countries, where the People have a share in the Government; and in no country in Europe, require so general an information in religious Controversy, and at the same time so great a degree of civil Prudence, in the Parish-minister, as in this kingdom; distracted as it is, more than * any other country, by jarring Sects, and in a political situation delicate, beyond any other, from it's inferiority in power to the Sister-kingdom, and from the various objects of rivalry and jealousy between them. For what are the services, to be wished for from the national Instructors of a people in such circumstances? To form them to their Duty, not only as Men, but in many important

* Though some States of Germany are as much divided by religious Sects; yet those Sects cannot cause such distraction, as they would in a Popular Government. They are all curbed by the power of the immediate Sovereign; and kept in their proper relative situation by the publick Law of the Empire, which restrains the Sovereign himself from attempting an Innovation. Any change of Religion in the Court cannot affect the Established Church.—The perversion of the late Landgrave of Hesse-Cassel to Popery, did not weaken the Reformed Establishment in that principality.—The adoption of Calvinism by the Royal family of Prussia, (absolute as those Princes were) did not lessen the right of the Lutheran Clergy to the Tithes of that Electorate.—And the late King of Prussia was the public Guarantee of the Lutheran Religion in Saxony, against their late Popish Elector, Augustus King of Poland.

tant points, as Citizens too ; that is, to impress on their minds, a Christian spirit of Love to their fellow-citizens, who differ from them in religious opinions ; together with respect to the Laws, loyalty to the King, and attachment to the Constitution ; for this purpose to watch over and extend the Protestant interest, and for the support of that interest, and the protection of this country from foreign enemies, to warn and guard their people against all insidious attempts to weaken it's connexion with Great Britain.—It may strike the imagination of some readers, that such services are beyond the general Abilities of the Clergy. Perhaps some Individuals of that body, as of every other numerous one, may be insufficient to answer (as fully as could be wished) the duties of their station : but these *are the duties of their station* ; and it is no small presumption of their general sufficiency, in comparison with other Orders, that they are the only sources of whatever Learning exists amongst us, having the province of Education left entirely in their hands. And the established Clergy of this Kingdom may with confidence appeal to Government, and to their Fellow-subjects, for their zeal for the Constitution, as well as for that example of a dutiful and orderly demeanour, which they uniformly have set to their Parishioners, in the most disorderly and factious times. Now if these principles be just, and this fact true, which I defy malice to contradict, Can it be for the advantage of Ireland, in it's present degree

degree of Civilization, and distraction by powerful Sects, the *political* tendency of whose principles has been already stated, to reduce clerical incomes to so base a level, as will exclude from the Sacred function all men of ingenuous Birth, promising Abilities, and liberal Education; and leave a trust, so difficult as well as important, involving together with religious, every political and private interest, to the Lowest of the people; to persons, who can have no qualifications from education, to defend the established religion against its opponents, or to protect themselves against that Contempt from their own flock, to which Poverty is usually, however unjustly, exposed? Can it tend to the advancement of the Protestant interest, that the bulk of the Protestant Gentry should mark such a Disrespect for their Clergy, as to adopt a measure, which must immediately reduce and vilify the Order? But I shall be told, that no such thing is intended: the only object in contemplation is, to prevent the Clergy from having too much; which is to be apprehended from the present amount of church Livings, and the probable increase of them by the rising Agriculture of this country.

Facts are the only sure ground-work for the decision of this point: That is, facts of so general a nature, as to support political conclusions. For the inquiry must be taken upon a large scale; not on the price of the tithe of a single Acre, not by the rates of a single Parish, nor by the amount of
a few

a few livings, which makes their incumbents conspicuous; but on the proportion, which the whole sum, raised for the parochial clergy shall be found to bear to the number, and station, of the persons employed. Such only are the proper researches of those, who are to make National regulations. Though were the inquiry made as to Particular instances complained of, perhaps local circumstances would fully explain and justify the supposed local grievance. The rate of tithe on an acre of Flax (for example) in some parts of Connaught, is much higher, than elsewhere; yet without such a rate on that useful culture, from want of other tillage, and the loss of tithes of Agistment, the Ministers of those parishes would not be able to subsist. But we do not deny, that a single Clergyman may be of a narrow disposition, or which is more common, in narrow circumstances, and demand more than is consistent with such a liberality, as could be wished, to the farmer. So may a single Landlord. But would any man in his senses alledge such a fact, as a National evil; as a motive for the legislature to interfere, to diminish *all* the Rents in the Kingdom, and in addition, to violate the Constitution? It is beyond the reach of Law in most cases, to restrain Rapaciousness, much more the effect of Want, in Individuals.

But in order to investigate the truth, I shall proceed on a plan suitable to the greatness of the subject,

subject, by stating facts on a scale worthy of publick attention. If the publication could have been postponed, without defeating the purpose of it; that of undeceiving the Publick, with regard to the extent of the Revenues of the parochial clergy, before the meeting of Parliament; accounts might have been returned from every Diocess, similar to those which follow. But as the list subjoined comprehends a number of the best-endowed Diocesses, it will appear, I believe, to every candid inquirer, that the average income of the clergy throughout the kingdom cannot be greater, than that which is struck below.

An Average, formed by dividing the aggregate income of all the Parishes, including Deaneries and other Dignities, by the number of Clergymen, would be, in the diocess of * Raphoe — £250

Clogher — — — — 187

Cloyne — — — — 180

Cork and Ross — — — — 150

Waterford and Lismore — — — — 125

Killaloe and Kilfenora — — — — 120

Dublin — — — — 115

§ Clonfert and Kilmacduagh — — — — 116

Killala and Achonry — — — — 90

1333

Which

* The average is raised so high in this Diocess, principally by six rich Benefices in the Patronage of the University. See page 85.

§ The number of Clergy would have been returned much greater, and the average less by £25, if the Dignitaries in the Churches of Clonfert and Kilmacduagh had been reckoned, as the income of some of those Dignities is so exceedingly low, as not to be worth mentioning.

Which Sum, divided by the number of Diocesses [reckoning united diocesses only as one] would give a general average of £148: 2s. 2½ ^{pp} head to the whole body of the Clergy in the parts of the Kingdom above mentioned (Bishops excepted, whose Revenues are to be adjusted on a principle distinct from the measure of Parochial incomes) provided they received their incomes without Defalcation. But as they must employ persons to view and collect their Tithes, which incurs an expence of 5 *per cent*; and Insolvencies, on an income composed of so many small parcels, cannot be estimated at a loss of less than 5 *per cent*. more; The sum of £14: 16s. 2½ must be deducted, which will leave the net sum of £133: 6s. for each clergyman, if the national allotment were distributed in equal portions.

In Scotland, the *lowest* of their parishes amounts to £50 *per annum*, English money, together with a house kept in repair, and a glebe sufficient to keep a horse and two cows, which accommodation may be estimated, according to usual prices in this country, at £30 more. If then an average be accordingly taken, from £80 up to £180, (a sum compounded of £150 in money, the *highest* income for *country* * ministers, and £30, the value of their glebe) the Medium sum would amount to

* The Ministers in Edinburgh have £200 a year.

to £130 English money, or £140; 16s. 8d Irish; though their ecclesiastical system admits no Dignitaries. The pay, thought by Government proper for the Chaplain of a Regiment (which was settled at a time, when money was higher in value, than at present) amounts, after all stoppages, to upwards of £114 a year, though the Chaplains of Regiments not in Garrison, or on actual Service, are at liberty to attend clerical duty elsewhere; and if with their Regiments, would be accommodated with Lodging. Either of these appointments, which admit a fair competition, because the value of the money is known, is better than the average of the Irish national Clergy abovementioned.

A comparison with the incomes of Foreign Clergy is not to be made with any degree of accuracy, on account of the different value of money; but the reader shall have the result, such as it is, of my personal inquiry, and a late communication with Gentlemen, on whose researches I can better rely, than on my own. The *lowest* salary from the State to a Parish-minister in Holland, is 600 guilders, equal at least to £60 Irish, a year; at Amsterdam, the Hague, and other great towns, it rises as high as 2000 Guilders, or £200 Irish, besides presents to the Ministers in Amsterdam, from the East-India company. An aged or infirm Clergyman, after an examination by the States, is declared *emeritus*, and discharged from his function, but enjoys

joys his full appointments during life: and his successor has immediately the full pension allowed for that Church. The Widows of the Clergy receive pensions proportioned to the income of their late husbands, in addition to one entire year's salary. An extract from an essay on the Right of the Clergy to a maintenance, published in London in 1726 by Mr. William Webster, Curate of St Dunstan, was communicated to me by a member of the House of Commons in this kingdom, on whose accuracy I can rely, but who does not answer for the goodness of the Author's information. "The States of Holland think £100 *per ann.* the least which a Clergyman *unmarried* ought to be allowed. None of those who are *married*, have less than £150 a year. They have not indeed so much *salary* from the States, but their stated and fixed presents, as certain as their salary, make it amount to that sum; and their Widows are allowed pensions."

In the Canton of Berne, the maintenance of the Clergy consists principally in an allowance from the State, of Corn and Wine, and a very small stipend in Money, as it has not received any considerable increase since the time of Calvin. But they have all comfortable Houses and Glebes, and I am assured by a Gentleman of that canton, equally well acquainted with this kingdom, that the average income of the Clergy there puts them in a state more comfortable, and in a better relative situation,

situation, than the average above stated would place a Clergyman in this country. The salary of a Minister in Geneva, though small, not more than £60 a year, is yet competent to support him with decency.

After this view of the situation of the Presbyterian Clergy, compared with the other classes in society, and after allowing for the superior facility of procuring the necessaries of life in the Countries just now mentioned; the general want of Markets in Ireland, which renders subsisting on a small scale, at once wretched and expensive; the miseries of our unprovided Poor, which are a constant drain on the resident Clergyman, where so large a proportion of the Proprietors of the estates in his parish reside in another kingdom, and seldom contribute to the Poor; the expenses of building or paying for a Glebe-house, or renting a habitation at an exorbitant rate; Let the Reader then say, Whether £133 : 6s. *per ann.* be an excessive appointment, for a person invested with such a trust, as has been above described; placed in circumstances so inconvenient and irksome, after the expenses and habits of a liberal education; and excluded from any other employment? Or whether with less encouragement, any young man of family, abilities, or education, would be destined by his parents to the church?

If

If it be said, that from the unequal Distribution of the clerical fund, some have too much; I answer, that the discussion of that point (which is a great and doubtful one, since much may be said for a Subordination of ranks amongst the Clergy, as well as in the Army, or Navy, particularly in a constitution like ours) is totally irrelevant to the present question. A Reduction of Tithes would only aggravate this supposed grievance, by reducing what is already supposed to be *too low*, still *lower*. The smaller livings, that is, infinitely the greater number, would no longer afford a maintenance for the incumbent; the churches must be shut up. Essential harm therefore to Religion and the Protestant Ascendency, must result from reducing the income of a parish too low.

But let me ask any Layman of candour, and I defy any man of a contrary disposition to point out, What particular mischief could arise from the Wealth of a clergy, circumstanced as ours, were their appointment (which is a separate allotment from the State, and does not intrench on the property of any other Subject) as great, as some men falsely imagine? The Regular clergy of the church of Rome indeed, being a separate body, with an interest distinct from the general weal; claiming an exemption from publick Taxes, and from the Civil jurisdiction of their own country: and avow-
ing

ing a subjection to a foreign power, were, and are, a natural object of jealousy and apprehension. This every superficial man has heard, and treasured up in his memory in a confused manner; though probably he does not know, that at the several periods when they were most troublesome and formidable, the Bishops and Secular Clergy almost always supported their National Princes, against Papal encroachments. But in the present state of our Church, why should the Prosperity of the clergy be more an object of alarm, than that of any other class of citizens? Are they not involved in the same common interest, by domestick connexions? Do they not pay the same Taxes to the State? Are they not amenable to the same Courts? Do they spend their incomes in a manner less advantageous to the publick, than their fellow-subjects? Do they encourage vice more, or national manufactures and charity less, than other men? Is not their very Profession, an additional motive to be exemplary in doing good, and refraining from evil? Do not whatever riches they acquire, merge in the general mass of the wealth of the Laity? Into what other hands then could the State transfer their possessions, with any probable gain to the publick? In fine, to borrow a Query from my excellent and ingenious Predecessor Bishop Berkeley, in a work * worthy the perusal of every Irishman, “ What would the
“ Publick

* The Querist.

“ Publick lose, if every Squire in the land wore a
 “ black coat, and said his Prayers, and were
 “ obliged to reside?”

But here perhaps it may be suggested, that the Clergy, though they read Prayers, and preach, because they cannot avoid it, must be remiss in the discharge of their duty; or else more Converts would have been made to the Protestant church. Now without yielding on one hand to an indiscriminate unjust Charge on the whole Clerical Body, or hazarding on the other an indiscriminate Exculpation of every Member of it, I shall proceed to state the Impediments, which the most Diligent clergyman meets with, from the Defective Settlement of the church of Ireland; An inquiry of a most interesting nature to every serious Protestant, highly deserving the attention of the members of the Legislature in particular, and calculated to throw a stronger light on the subject of the Parochial Revenues.

D

SECTION

SECTION IV.

Of the Defects in the Settlement of the Church of Ireland.

THE object of Parochial establishments being, to distribute through the country religious Instructors, and Places of instruction, in so commodious a manner, that the inhabitants of every district shall have both within his reach; the Settlement of a National Church must be deemed Defective, until those points shall have been accomplished. How far the Church of Ireland is from that happy situation, I need not say; The number of Clergy will be sufficient evidence. In England, a country comprehending, according to Templeman's survey, less than 50,000 square miles of land; there are about 10,000 Clergymen; one, to five miles square; in Ireland, comprehending near 28,000 square miles, about 1200; one, to more than 23 square miles. In the *small* extent of the United Provinces there are 1570 Ministers of the *Established* Church.* The want of Churches is so confessed, that the House of Commons makes an annual grant of

£5000;

* Tho' from the tolerating spirit of their Government, they have a great number of Roman Catholics, Lutherans, Menonites or Anabaptists, together with some Episcopalians of the Church of England, and a few Quakers.

£5000, for erecting new ones. Nay, the very amount of Tithes (now so much complained of) would alone bespeak too great an extent of land in many parishes: It does not prove, that each farmer pays more, than he ought, to the incumbent, (for the latter can never get the value of his legal right,) but it proves, that the country is not provided with a sufficient number of Instructors of the people.

In the province of Ulster indeed, much has been done to remedy this evil, by the judicious and unwearied attention of it's excellent Metropolitan; and the ardour with which the Suffragans and Clergy of that Province have seconded his zeal. Not only many new Churches have been erected within these twenty years, but likewise such a number of decent Glebe-houses, as bear unequivocal testimony, that the clerical revenues have contributed their full share to the improvement of that part of the Kingdom.—But far different is the state of Munster and Connaught. From the want of Tillage in those Provinces, it became necessary, in the last century, to unite several, sometimes from 5 to 9, parishes, not unfrequently containing a tract of Land 20 miles in length, in order to furnish even a scanty maintenance for one Parish-minister. The Livings in Connaught remain in the same impoverished state; but in some parts of Munster, from the increase of Tillage, the Rector of a large union derives from it a very considerable income. This income however arises from such an

extent of land, as would require two, or perhaps three Churches, to accommodate the different districts of it, and of course reduce the maintenance of the Clergy employed therein to a very moderate level. It is evident at the first glance, that the Reduction of tithes must render such unions perpetual, and set up a permanent unsurmountable bar against the Progress of the Protestant religion.* I am aware that it may be suggested, that little hope of an increase of Protestants, sufficient to require such an additional number of Churches, can be derived from the progress already made in Conversion. It is true, that the Progress has not been in proportion to the goodness of the cause, but the reasons of it are by no means understood. I shall now state them.

Besides the very great extent of many parishes and unions in the Popish parts of the kingdom already mentioned,

* So great a number of such unions still exists, and so many small parishes are unprovided with Protestant places of worship, that it would require a much more extensive and accurate knowledge of the several parts of this kingdom, than the Author can pretend to (or possibly, than any one of the projectors of a new plan possesses) to ascertain the future number of Clergy, when the whole country shall be competently furnished with Churches; and of course to determine how far the Tithe, arising from even a much more extensive population than the present, would be sufficient for their maintenance. All that can be relied on at this moment is, that matters are not ripe for that decision; and that it would be rash, to a degree of madness, in the Protestants of this country, by any premature step to curtail the necessary resources for adding to their number. And surely they have little inducement to trust, for the future arrangement of the Church, to the hazardous speculations of those, who do not understand it's present state;

mentioned, which renders it *physically* impossible for the clergyman to attend properly to every part; and besides the want in many parishes, of any Church, in most, of one commodiously situated, for the purpose of calling his congregation together for devotion and instruction; the Clergyman labours under another material disadvantage, from the almost universal want of Glebes. The Roman Catholics, who compose the bulk of the parishioners, being in general but little inclined to accommodating him, or his Curate, with a Lodging; he is frequently under the necessity of residing at a distance, inconvenient for even the stated weekly duties of his office, and absolutely incompatible with an attendance, such as the circumstances of his parish would require. The difference of Language is likewise a very general (and where it obtains, an unsurmountable) obstacle to any Inter-course with the people. Can it then be matter of surprize, or of reproach to the established Clergy, that under such disadvantages, they cannot prevail against a Priest always at hand, and master of the Irish language; * whose efforts are seconded, not only by rooted prejudices, strong in proportion to the ignorance of the people, and by habits of obedience from his flock, who look up to him for Absolution; but a zeal too in the Laity of that persuasion (that is, almost the whole neighbourhood) to

* If it be asked, why the Clergy do not learn the Irish language, I answer, that it should be the object of Government, rather to take measures to bring it into entire disuse.

to make Profelytes, and by the terror, hanging over every person who quits the Romish Communion, of being cut off, as it were, from Society? Whilst the Lay Protestants in general do not second their Clergymen by their exertions; and too many of the Higher ranks discountenance all Religion, by entirely neglecting Publick Worship. This view of the Protestant interest is gloomy indeed; but the gloom, thick as it is, may be gradually dispelled. The English language is becoming more general. The number of Churches increases; † and by the increase of wealth from the extension of commerce, will be likely to be still more rapidly augmented. The attention of Government has been drawn to extend the blessings of Education, which by planting knowledge, will tend to eradicate error. Means may be devised to procure Glebes; and the clergy be enabled to reside in their parishes. Inconvenient unions may be dissolved. The Clergy may be multiplied, in a proportion equal to the rise of Agriculture; and the propagation of true Religion keep pace with the cultivation of our lands. The difficulties of supporting and extending the Protestant interest, tho' great, are by no means insuperable; if the Legislature should give to this great national object that steady attention, which it so well deserves. But the evils political as well as religious, attending a despair and dereliction of it, are *without number, and without remedy.*

It

† See Sect. 7.

It must be evident on the slightest consideration, that any Reduction of the incomes of the parochial clergy, must be highly injurious; a considerable one, fatal to the Protestant established Church. It must, in the first place, perpetuate large Unions; it must render small parishes incompetent to support a resident minister; of course, put a stop to the building of Glebe-houses; and not only prevent the erection of new churches,* but shut up a considerable number of the old ones. The number of Protestant clergymen must in the same degree be diminished, and rendered still more unequal to the care of such an extent of country; their rank and education become inferiour, and their influence proportionably decline; which must raise the comparative influence of the Romish clergy, and occasion Popery to gain ground on all sides. The hopes inspired by such a manifest disregard in the Legislature to the Protestant cause, would

* The parish of Ballyvourney in the Diocese of Cloyne (the Church of which is in Ruins) will be an instance in proof, if proof were necessary, how effectual the Reduction of Tithes would be to prevent the building of Churches, and the progress of the Protestant Religion. The Tithes of this parish were let many years ago for £60 *per ann.* as I am informed, and are supposed now to be worth between £200 and £300, according to the usual rate of setting Tithe. In consequence of a Combination in that *extensive* parish, the Tithes are now reduced so low, that the late Incumbent did not receive from it £10 *per ann.* and resigned it into my hands. A Clergyman of very distinguished piety and merit, who was at that time Curate of the adjoining parish, was collated to it by Me and inducted. But when he was going on a subsequent Sunday to read the Liturgy in the Ruins of the Church (as appointed by Law) he was warned, not to proceed, as a band of the Popish inhabitants was collected at a neighbouring Chapel, for the purpose of taking away his life: He accordingly deferred executing his intentions at that time, and when afterwards he was performing that duty, very large stones were thrown at him by persons unknown. I had some time before taken measures to get the old Church repaired, or a new one built; but this Combination defeated my purpose. I appeal for the truth of these particulars to Sir John Colthurst of Ardrum, Bart. who though not resident in the parish, is proprietor of more than half the lands. His Father, as I was informed, rented the Tithes.

would animate the efforts of the Romish Priesthood, and of the foreign States, who now think it *their interest*, to form Establishments for their Education. The Question therefore of this day is not, Whether a few clergymen richly beneficed shall have their incomes curtailed? but Whether *very many* parishes shall instantly be left without any Protestant minister, and the Protestant religion rapidly give way to Popery, till it be totally extinguished?

SECTION V.

On Commutation.

IN the foregoing Sections it has been placed, I conceive, beyond the reach of doubt, that the Ecclesiastical establishment is an essential part of the Constitution of this Kingdom; that the preservation of it is peculiarly interesting to landed property, as well as to the Protestant ascendancy which cements this Country with Great Britain; and that the Church of Ireland would not only be stopped in it's progress to a complete settlement, by any considerable diminution of the fund for the support of the Clergy, but would sink rapidly more and more below it's present very imperfect state, till the consequent progress of Popery had entirely overwhelmed it.—But many, who concur in those ideas, are yet of opinion, that the present mode of providing
for

for the Clergy is inconvenient; and may safely be exchanged for some other, equal in value to the present Clergy and their successors; and attended with fewer inconveniences to the Publick. This project of innovation (generally called Commutation) shall now be examined; and to do it fairly, I shall state the Objections against Tithes, in their full force.

I allow, that they operate* like a tax on industry, and since the loss of Tithes of Agistment, a very unequal one; that they are occasionally the cause of contention

* I say *like* a tax, for Tithes, strictly speaking, *are not* a tax, though with an invidious view represented as such. And much mischief arises from the adoption of improper terms, such especially as carry with them a false Association of ideas, injurious to any individual, or class of men. I therefore wish to take off the unjust impression, that a Clergyman, when he is setting his Tithe, is collecting, and striving to increase, a tax from his parishioners for his own use which will be done effectually, by explaining the word *tax*. A tax is a portion of the Property of the Subject, levied by Law, for the Publick use. Now Tithe of the produce of the land, though raised by the industry of the Farmer, is not his *property*. It was not his Landlord's, not being comprized in the Royal Grant of the lands; and if it were lost to the Clergy, must revert to the Crown, the fountain of property. Again, the portion of Tithe paid to the Minister of a parish is not levied for a *publick* use; for he is retained to perform religious services for the inhabitants of that particular parish only, and should be paid by those, whom he serves. His not being appointed by them is no objection; His nomination is in the hands of those, who have not only a more competent judgment, but a better Right; for he is appointed either by the Crown, the fountain of property; the representatives (either by descent or purchase) of the Lord of the Manor, who founded the parish, or the Bishop, or other person, to whom the right of Advowson was transferred either by the King or the Lord. And the purchaser or renter of lands took his interest in them, on this footing. Tithe therefore is a payment of his quota for services; and, if Tithes of Agistment had not been wrested from the Clergy, in a manner contrary at once to the constitution, law, and common sense, would have borne an equitable proportion to his ability. The case of Improprate Tithes does not come within the scope of this treatise. The case of Dissenters, who reject the service of the Clergyman, is considered in Sect. II.

contention between the Minister and Parishioner; and when that happens, an obstruction to his ministry: and that they are a troublesome species of property to the Clergy. I shall further allow, that if the farmer could really put the value of the Tithes in his own pocket, (which I shall soon prove he cannot, except during the continuance of the lease now subsisting) it would be an encouragement to the Plough.

The Objections to Tithes are striking; they float on the Surface; it is scarce possible, not to see them. And from thence a judicious man would be led to suspect, That such obvious inconveniences could never have been submitted to, for so many centuries, by so many wise States, by the whole Western Church, comprehending every polished nation in Europe (the small districts, inhabited by the Presbyterian sect, excepted) That not only Italy, Spain, Portugal, Germany, Denmark, Sweden, Hungary, and Poland (the Legislatures of which might be suspected of less attention to *æconomical* subjects) but that even the commercial States of France and England, should have perpetuated such a burden on the plough; and in their various speculations for the encouragement of Agriculture, not have abolished Tithes; had it been *quite so easy* a matter, as some persons conceive, to find a proper Substitute for them. Can it be conceived, that the Clergy, in some
one

one of these Countries, feeling as they must, the trouble and vexation, attending this species of property, and possessing as they occasionally did, so undue an ascendancy over their princes, would not have brought forward some plan for a more easy maintenance; if such maintenance could have been devised, with safety to their Order: to which, in the worst of times, they have sacrificed their private emolument? For it cannot be pretended, that a notion of Divine Right prevented that improvement, because the idea of Divine Right was never universal: nor was the partition of Tithes the same in all places; and yet even the great change of the Reformation by Luther, in Germany and the North, and by Henry VIII. in England, tho' it subverted several of the other branches, made no alteration in this part of the Ecclesiastical revenue. Tithes, with all their manifest inconveniences, were continued. Either therefore we must conceive, that all these States, the most enlightened in the world, have remained for ages in one palpable pernicious blunder, through mere chance and inattention; Or there must be at bottom some very sound reasons, to prevent their attempting a change, which appears so easy, as well as beneficial, to a few politicians in this kingdom. Perhaps, on dipping beneath the mere surface, we may discover some of them.

In England, for instance, which is the source of our ecclesiastical establishment, when the
Lords

Lords of Manors wished to fix resident pastors amongst their tenants, instead of their being supplied with occasional ones by the Bishop; they insisted, that the Tithes of their respective lands, paid before into the common fund of the Diocess, should be appropriated to them. The plan was reasonable: the service was reciprocal between minister and parishioner; each in his vocation laboured for the other. It is not easy to conceive, in those times, when by the Feudal system, which pervaded almost all Europe, all the peasants were vassals to the Lords, and the very Rents were paid principally in kind, what other mode could have been adopted of providing for one, who was not able to till the ground with his own hand, or if he could, ought not to consume his time in an occupation, which would have defeated the purpose of his Residence.

On trial of this establishment, it was probably observed, that Tithes rise and fall with the value of money, and therefore are equal to successive incumbents; that they rise and fall with the value of the crop, and therefore are at all times an equal burden on the husbandman; that they vary according to situation, being highest in the neighbourhood of great Towns, where the market is highest to the farmer, and the price of the necessaries of life to the clergyman. It was probably observed, that this mode of payment rendered the Clergyman more dependent on the Good,
will

will of his parishioners, than land, or any other separate possession; that it reminded him of his pastoral duty to each individual, thus annually contributing to his support; that the very intercourse of business which it created, though sometimes the cause of contention in making the bargain, gave very frequent occasion to acts of kindness and conciliation, on the part of the Clergyman, as to the respite, or entire remittal of payment, which the smallness of the several sums might enable him to afford †. It might easily be discerned, and was well worth attention, in times when the Church arrogated to itself privileges dangerous to the State, that a property thus dispersed in trifling parcels, and inseparable from the property

† The very Processes brought by the Clergy, for the recovery of sums due for tithes, would bear frequent evidence of a forbearance unusual in the demand of other debts, if the date of the agreement were adverted to; and would silence the invidious reflections, derived from the number of them, which is owing to the multiplicity of contracts made in every parish. These reflections indeed prove only the difficulty, with which the Clergyman collects his present income, and the consequent impropriety of diminishing it; for surely the blindness of prejudice cannot go so far, as to make any man think it unreasonable for a Clergyman to sue, if it be necessary, for the price of his property. To any man conversant in the management of tithes it is evident, that the best mode for the accommodation of the parishioners is, to set to every individual his own; which tends, by multiplying Contracts, to give occasion to many Processes. These Processes might be avoided, by setting them by ploughlands, to those worst of tyrants, the petty landlords. A Tithe-farmer would prevent all processes by the Clergyman. Complaint therefore of the number of Processes argues want of due consideration of the subject.

perty of the Laity, was accompanied with far less Power, than what would have been derived from Land, or any other possession, of the same value. It was probably considered, as one cause of attachment of the Secular Clergy to the Government, and prevention of their uniting with the Regular Romish Clergy, in encroachments on the Civil power; which (from the dispersion of the former in all parts of the country, and the influence of their superior education and venerable office over the whole peasantry) would have been a very formidable accession. It could not fail to have been observed, that Tithes tend to promote Residence, more than any other mode of support. For the rent of Glebes, or other fixed yearly revenue, may be received and spent any where; but the management of Tithes requires so much attention, that the income from them must suffer considerably by Absence.

It may be said, Residence may be secured by Law. So superficial men think; but Reason, as well as fact, proves the contrary. There are so many occasional circumstances, which render residence impossible, that it is necessary to lodge in some person a dispensing power. That power, wherever it be lodged amongst human creatures, is liable to abuse, through inattention, through misinformation, through favour, through false good-nature, or (which is more common) through a fear of that

that Obloquy; which the enforcement of Discipline ever excites, even from those, who clamour loudest against the relaxation of it. The most effective method of insuring residence, is by an income, which will be certainly impaired by non-residence; as in all instances, that is the best Law, which executes itself, by annexing an Immediate reward to obedience. Further, though the loss on Tithes be sufficient to discourage Non-residence; yet Tithes do not hold such temptation to the resident Minister, to immerse himself in secular concerns, in order to increase his income, as an allotment of Land; which might induce some to devote their time to Farming, and by so laborious and low an employment, lessen not only their attention to their duty, and their application to learning, but likewise the respectability of their Character.

These considerations, and surely they are of some weight, should be put fairly in the scale against the Objections, to which Tithes are confessedly liable; but the balance is, and ever has been, turned in favour of them, with the wisest Legislators, by the difficulty, hitherto esteemed *insuperable*, of devising a Substitute, liable to so little Objection.

What scheme, if any, may be in the contemplation of the present favourers of innovation, the writer

writer cannot decide. None has yet appeared : * and if no person has a right to be called a Friend to Commutation, who has not a *distinct idea* of the *two* things to be exchanged (which seems a reasonable principle) Commutation has, I believe, few, if *any*, friends. The general confused approbation of it amongst the Laity is little more than a proof, that some of them have discovered the Objections to Tithes above stated, or that the Generality wish to get rid of an obligation to pay money. They consider Tithes as a tax, and they do not relish the payment of any kind of taxes. But if Tithes were a tax, that supposed tax is destined to the most necessary of all political purposes, the Civilization of the people. Now when any new tax is opposed, the Minister says with great justice, If you dislike this, propose a better: and whenever a better plan shall be suggested for the payment of the Clergy; that is, one
equal

* Of course, nothing is left for the Author, but to draw his conjectures of the species of Innovation which may be intended, from the projects suggested in common Conversation.—The several plans hereafter mentioned are not however mere phantoms of his own creation, but schemes which he has heard men, of good judgment on other subjects, endeavour to support; and the least absurd (which is the true line of comparison, in this case) which have come to his knowledge. The judicious reader therefore, when tired of attending to the detection of such absurdities, as are obvious to a good understanding, will pardon a trespass on his patience, necessary to an Author, who is reduced (by the importance of his subject) to the necessity of obviating the prejudices of the ignorant, and anticipating the whimsies of projectors.

equal in value to them in succession, and more convenient to the Laity, they will thank the Statesman, who shall disencumber them of the constant Trouble, and the occasional Ill-will, arising from Tithes. At present, they wish the old system to be continued, from despair of ever seeing so good a one established in it's place. A little reflection will discover the complicated difficulties attending such an attempt in this Kingdom.

The first step towards Commutation is, to ascertain the present Value of Livings. This is easily talked of; but not quite so easily effected. Who are to be Commissioners for making this valuation? Are they to be a mixed body, half lay, and half clerical; or are Laymen of property to decide, how much of that property they are to give for the Tithes of the Clergy? Would the Laity think it just, that Clergymen should be the sole Commissioners? Or would the State be safe, in leaving the support of a *necessary* class of their Officers, exposed to the intrigues of *private* rapaciousness; any diminution of which support must either take from the publick Service, as proved above, or occasion a general Tax to replace it?

But suppose proper persons appointed, and that no one were allowed to be a Commissioner in a Diocese or County, in which he had any property, then you take for granted, that he would be im-

E

partial.

partial. Yes: except he be ill inclined to Religion, or to ecclesiastical establishments in general, or to the established church in particular; or may think the Living too large, or that the Clergyman should be fined for voting wrong at the last Election; or may wish to make a good Bargain for a relation, a friend, the Great man who got him the place of Commissioner, or for a principal supporter of his Patron's party; or if he be a Member of Parliament, should be apprehensive for his own Popularity.

But suppose the Commissioners impartial, and without Connexion in the parts of the Country, in which they are respectively to act; Are they to value the property of both Laity and Clergy in places, where they are entire Strangers, and of course incompetent to judge? Or are they to impanel a Jury of the Vicinage, who are supposed to know facts; and leave it to the consciences of the tenants or followers of the landed Gentleman, to adjust this complicated business between him, themselves, and the Parson of their parish? On what evidence, are the most impartial Commissioners and Jury to ascertain the average value of a Living? Are they to rely on the Oath of the Minister? Perhaps the Parishioners might not think that quite fair, in a matter of Property; nor would it be strictly consistent with legal impartiality. But the clergyman may be lately instituted
or

or collated. In that case, are they to refer to the books of the Predecessor? Perhaps he kept none, or very confused ones, and he or his Representatives, if he be dead, may refuse information; from influence, especially in the case of private patrons, or from a dispute with the successor. Is the late proctor or Tithe-farmer to be resorted to, for evidence? Perhaps even the *Proctor*, whose office is at an end by the supposition, will not give any; for it can scarce be expected, that he will incur the permanent hatred of all his powerful or savage neighbours, in order to serve a man, who came yesterday, and may be gone to-morrow. Will he from a disinterested and intrepid pursuit of justice, expose himself to have his house burnt, his cattle houghed, to lose his ears, or be buried alive? As for the *Tithe-farmer*, he certainly will not reveal his Profit, with no possibility of advantage to himself, but on the contrary, with a certainty of being abhorred for what is called Extortion, and being punished by the mob, as if it really were such; and at the same time, of discovering to his late employer, how much he had imposed on him. It seems to me in most instances impossible for the Clergyman to procure such evidences of an average value, as would not leave latitude enough to such Juries,* as are likely to be impannelled, to deprive him of half his income. I leave this point to the conscience of any man, sufficiently conversant with trials at Law

E 2

in

* See Note Page 82.

in this Country to be able to draw up an Act of Parliament.

But if the value of the Living were ascertained, how is the Equivalent to be raised? I can conceive only three modes; a salary out of the publick treasury, a rate on the Parish, or a portion of Land. * In the first case, the inhabitant of Dublin or

* A Corn-Rent, recommended in general terms by the learned Archdeacon of Carlisle, (in his Moral and Political Philosophy) is not sufficiently explained by him, to be fairly examined. If it means, what is *generally* understood by that term, a rate for Tithe of corn, payable like Rent, it is not a Commutation, but a Modus. The operation of a Modus is well known to the Clergy by fatal experience. If it be perpetual, it is unequal to successive incumbents, as it does not vary with the value of money: and at all times it is unequal to the occupiers of land of different degrees of fertility: in different seasons, it is an unequal burden on the same farm, as it does not vary with the value of the crop. It bears hardest on the poorest lands, the tillage of which will be discouraged. The proprietor will of course suffer, by the diminution of rent; the publick, by the loss of cultivation. It bears hardest on the poorest farmers, who have not the means of manuring highly; and in addition to the landlord's rent, would be insupportable to the lower tenantry. It bears hardest in bad seasons, because it takes the same sum out of a crop of smaller value. In every view, the burden lies heaviest on those, who are least able to bear it. This surely is calculated to grind the faces of the poor; and in point of equity, as well as charity, bears no competition with the old system.—But further, what remedy can the Clergyman have, in case of non-payment of this Corn-rent? At present, he has either his Tenth, or a civil bill Process for the composition, or for the value proved in case of Substraction. But how is he in future to recover his debt? Is it by distress? The prior demand of the landlord will in all doubtful debts defeat him. Is it by personal action? And is the Clergyman to arrest his parishioner, and carry him to Gaol? This *doubtless* would serve to
 endear

or Cork, who pays his own minister by a rate on his house, would likewise pay the Country clergyman his quota by a new tax. Or if minister's money were abolished, and the tax were raised on general consumption, it would be as unequal and unfair to the reputable inhabitants of great Towns.

—A large parish in the Country, the property of an Absentee Landlord, and inhabited by Beggars, would contribute as little to the Ecclesiastical establishment, as it now does to the Civil and Military, or to the Poor.

If the Equivalent is to be raised within the Parish, are the Grass-lands to pay, and the *politick* and *constitutional* regulation of Tithes of Agistment to be defeated? Will the purchaser or renter of such lands

endear him to his parish, and take off the obloquy, which he now suffers merely for processing him to the assizes! But will not some one be found ready to report to the Legislature the number of persons *imprisoned* at the suit of the Clergy; in hopes of taking away that which was given, on former representations, in lieu of their Tithe? Let any man, conversant with the manners of our lower people, figure to himself the situation of a parish, in which the incumbent is necessitated to cause to be arrested the same number of his debtors, as he is now obliged to process. If a bailiff could be found desperate enough to begin, can it be imagined that the prisoner would not be instantly rescued by such a multitude of his fellow-debtors? The impossibility of recovering would be a virtual release of all Tithe-debts. The attempt to recover, if once made, would never be repeated; and the minister must sit down quiet (as is the case at present in several parishes, through the violence of the White boys) under the loss of his whole income. This regulation tends to the extinction of the Order.

lands (supposed, though not really, Tithe-free by virtue of that Vote) like to be subjected to a new tax? If that should not be thought equitable, Is the farm under Grain at the first applotment, to lie under a *perpetual* tax, though it should afterwards be converted to Pasture; and the grazing farm to remain *for ever* free, though afterwards ploughed? Or is there to be a new applotment every year? What if a great part, or the whole of a parish, lately under corn, be converted to pasture, in consequence of the increase of a neighbouring town; Is the old rate to be continued? If not, and the adjoining parish, which in consequence of the alteration, now supplies the town with grain, be more ploughed; Will the equity of the new regulation give to the *aggregate* of the provision for the Clergy, an increase in that *second* parish, adequate to it's loss in the *first*? Will the farmers of the second parish rest content; and not become Whiteboys, on a little proper encouragement? And when that Encouragement has been found so profitable to themselves, and *so injurious to the protestant religion*, in the year 1786, Is it likely to be wanting in future? What a Chaos of confusion will such an innovation create! and after all, produce a species of payment, that not only will not vary in a reasonable proportion to the times; but will vary in a ratio, the *reverse* of right. The money paid to the Clergy will be worth less, in proportion as the other classes of society are rising in affluence;

affluence; and they of course will sink in their relative situation. If it be said, a new valuation must be made, at a reasonable interval; then the general Confusion is to return periodically, like a general Election. But I fancy, if once tried, it would never be repeated for the mere purpose of keeping up the income of the Clergy, especially if a general Canvass were at hand. And should it be attempted, by what gauge is the *new* valuation to be regulated? That of *average* is at an end.

It appears to me, that if Tithes, that is, a part of the Produce of the land, be withdrawn from the parochial Clergy, the only other endowment, equal in succession, must be a portion of the Land itself. And if the valuation were fairly made, the exchange would certainly be advantageous to the present Incumbents of parishes; yet it would be the duty of the Clergy, and every Protestant, to oppose it, as by limiting the quantity of land to the present value of Tithes, it would in most cases limit to it's present low standard the Protestant Establishment. In all the grazing countries, for instance, should the clerical incomes be fixed by a portion of land, merely equal to the *present* tillage, and the lands hereafter be broke up, and stocked with inhabitants, there would be no fund to pay additional Protestant Clergymen: The Protestant religion must either be for ever stopped in it's progress, or some *new burden* laid on the nation at large.

But

But further ; how would the Laity like to be forced* to sell their property ? What difficulties and discontents would attend a general Commutation through the realm ! No one can form an idea of it, but a Lawyer who had taken into consideration the difficulties attending the Act of Settlement in this kingdom. What Body of men could be found, fit to be entrusted with the whole property of the nation, lay, as well as clerical, to deal it out as they shall think proper ? Are they to judge, like the Perambulators of the boundaries of a parish, without appeal ; and the whole realm to lie absolutely at their mercy ? If an appeal lie, to whom, and at whose expense ? Is a new Court of Claims to be erected, to adjust the Titles of the parties to the respective lands, and to ascertain the several incumbrances affecting the same ? Is every Clergyman in the kingdom to be exposed to a law-suit with his whole parish (at a time when his entire income is unsettled †) in order to give him a more *easy comfortable* maintenance, and endear him to his parishioners ? One fact is clear, that during this blessed interval

* The respectable authority of the Dean of Gloucester has been quoted, in favour of a commutation of Tithe for Glebe, but his proposal is only for a voluntary exchange ; and it is by no means clear, that so judicious a man would wish even that to take place in this Kingdom, where the circumstances of the established Church are so widely different from those of the Church of England. See below Sec. 6.

† If it be said, that he will enjoy his Tithe, till he is entitled to the value in land ; I answer, that it will be the interest, of course the object of every parishioner, to lower those Tithes, which he has it in contemplation to purchase.

interval of new-modelling the Church, no one individual will be able to say "*This spot of land is my property!*" The whole kingdom will be in a sort of Abeyance; and it will depend on the breath of the Commissioners, or the final court of Appeals at least, to determine in whom every parcel shall be vested. In this awful period of suspense, during the inquiry of the Commissioners, and the subsequent lawsuits, (a period so indefinite, that it would puzzle the most experienced Practitioner in the Courts, to calculate it!) there must be a pause of all transactions, in which land is concerned. All transfers of real property must be stopped: No estate sold, or mortgaged, or included in a marriage-settlement.

But suppose these obstacles to a fair Equivalent in Land be removed, who would be a gainer? The burden of maintaining the Clergy would still remain in it's full weight. The owner of an Estate would not have been advantaged (as he now hopes) by getting the tithes, which neither he, nor those whom he represents, paid for; nor would the Farmer's lease be improved one jot, as he must (unless the landlord be generous enough to pay the difference out of his own pocket) have less land for the same rent. But the country will then be more cultivated. How? by throwing into Mortmain an extent of land, equal in value to the Tithes of the whole kingdom; and a Mortmain

[main too of so disadvantageous a kind, that the possessor cannot give a tenure longer than his own incumbency, which limitation is absolutely necessary to preserve the value of the property in succession? Those gentlemen who complain of the shortness of Bishops' leases for 21 years, would not surely approve of condemning for ever so large a portion of the soil, to what would be (according to their ideas) a total want of Improvement; but will probably think it more advisable, to let the burden be distributed in it's present form; as the very complaints of the amount of Tithes, and apprehension of their increase, are conclusive evidence, that they do not materially impede Tillage, notwithstanding the obvious and baneful operation of that senseless and unjust vote of Agistment. Those who are jealous of the Political influence of the Clergy, would probably not consent to render dependent on them such a proportion of the tenantry of the whole realm.

What then on the whole would be the operation of this change? At the outset, it would unsettle all the lands of the kingdom; and when that was at length adjusted, it would diminish, rather than advance the Improvement of them; at the same time by taking away the connexion of business between the Minister and Parishioner, it would facilitate, and of course encourage Non-residence. In respect to the Farmer, it is apparent from the reasons above stated, that he is on a better footing,
in

in his treaty with the Clergyman for Tithe, than he could be, in his renewal of a lease for land tithe-free, open to proposals from all quarters. With regard to the Clergy (in addition to the manifest hazard of not getting a fair Equivalent allotted) They must see that Tithes, tho' troublesome, are a provision equal in succession, because it varies with the Expenses of living; that the claim to them is founded in Common Law, supported and defined by many Statutes, and those statutes explained by many Solemn Decisions. This advantage of the clearness of Law is an equal convenience to all parties. And in any Commutation but for Land, it would require perhaps a century, to bring the new regulation to such a degree of legal clearness and notoriety, as that of the present Tithe-laws.

SECTION

SECTION VI.

Of the bad Effects of Innovation, on either Plan.

THAT man must be totally unread in History, and have profited little by his own Experience, who is not apprized of the danger of removing *old landmarks*, those especially which are the boundaries of Constitutional rights. The fairest prospect of Improvement will not justify the risk of Innovation in a system, which in a Religious view, has no equal, and in a Political one, is essential to the preservation of the best Constitution that ever was framed. But in the case before us, the reverse of Improvement presents itself, at the first glance; and the more you extend the view to distant effects, the wider field is displayed, of national confusion, and ruin; such as nothing but the necessity of alarming the publick could induce me to delineate. In the outset, this measure attacks a great variety of properties: That of the Clergyman, who is the Usufructuary; That of the private

private patron, in the value of his right of perpetual Advowson; That of Lay Impropriators; That of Cathedrals, for whose support Tithes are appropriated: nay, in case of Commutation for Land, the only permanent and effectual one, it unsettles the entire Property of the Kingdom; and by the rashness and violence of the measure, shakes to the root the stability of every possession. It affects very considerably the patronage of the Crown; and as far as it diminishes that patronage, impairs the balance of the Constitution. It must reduce the Protestant Clergy, in point of education, rank, and influence; by shutting up many Churches, it must rapidly diminish the number of Clergymen; and at the same time, by raising in the like proportion the number and influence of the Romish Priests, must cause the Protestant interest to decline in a Ratio Compounded of both: Which increased by depression of spirits on one side, and by animation of hope and foreign assistance on the other, must soon overturn the Protestant Ascendency.

Our *Protestant Dissenting brethren* in particular will do well to consider, before it be too late, what will be the effect of the ultimate superiority of Popery on their future situation. The short-sighted Farmer in Ulster may perhaps be seduced by the present profit of lowering his Tithe; of which he does not discern the *effect*: The short-sighted Politician, who yet may see far enough to discern the *immediate effect*,
may

may be gratified by the prospect of realizing his favourite speculation; that of overturning an ecclesiastical establishment. But as soon as that shall have been accomplished, the Fairy Vision will vanish. For will this kingdom continue long without any National Church? It is a situation too wild and unexampled to be supposed. Will it adopt the church of Calvin? Let the Presbyterians review either Numbers or Property, and then judge whether that be a probable event. But even that would be *an establishment*; and of course adverse to their opinions; and demanding a national Maintenance, (the present point in question) would be only a renewal of the present disputes. They can have nothing then before them, but an option of the Ascendency of either the church of Ireland, or the church of Rome. Of the former they have had a long trial; and under it have always experienced freedom of religion, and at present enjoy every Civil privilege, in common with the Members of the Established church. Their situation cannot be improved; How much it may be changed *for the worse*, under the Church of Rome, it behoves them to consider with attention, and without delay; as the conduct of so numerous and respectable a Body may decide the event.

But whenever that fatal moment shall approach, Where can the Protestant of either church turn his eyes for support, but to the Sister-kingdom? And it behoves him to consider well, what will be
the

the operation of such Innovations on the minds of our English Neighbours. The only natural permanent ties between independent Kingdoms, are simularity of Religion and Laws, and intercommunity of Property. For the influence of Consanguinity wears out by the mere course of time; sameness of Language does not prevent the different States of Germany, or of Italy, from wars against each other; and the Power of the common Sovereign may not always be strong enough to hold together Free Nations, jealous of Commerce and the Royal favour, differing in ecclesiastical and legal Polity, and not cemented by the Property of individuals. The joint effect of all these ties was not sufficient to prevent the separation of America from England. The great Proprietors of land in both Islands may be considered as Binding-stones to prevent a Separation; which (should it please the Almighty to visit these Kingdoms in such a manner) must occasion instant ruin to one, and ruin as inevitable, though a little more distant, to the other. Now will not so great a deviation from the Constitution of England, and so unnecessary an Invasion of property, lessen the disposition of Englishmen, either by way of purchase or loan, to vest anew, or to continue, an interest in Irish lands? I appeal to the low price of Lands (in spite of the natural effect of Peace, and extension of Trade, and in opposition to the Rise of the publick Funds, which in
usual

usual course keep pace with the value of real Property) in proof of the effect of late Alterations: but those alterations had great objects in view; extension of Commerce, and enlargement of Constitution. But for what object, in the present case, are such tremendous evils to be risked? Is it, that the Landlords may add to their Rents the Tithes, which neither they nor their Ancestors purchased? Is it, that the Tenant may get rid of a burden, for which he has received a valuable consideration? Is it to gratify a few enterprising Geniuses, who flatter themselves that they are capable of forming a regulation, which the most able Statesmen, that ever lived, have universally *despaired* of contriving; and for which no one was ever found *mad* enough to risk a project, in a Constitution similar to ours in Church and State. For surely it can never be suspected, that there is an inability in the Executive Power to control Mobs, and execute the laws! Such a confession would be a virtual Abdication of Government; and must encourage the Populace to make a further trial of their strength, in subverting all Property: Of which intention they have given no slight intimations. The very Insurrection, in order to procure an Alteration by force, is alone a sufficient reason for refusing it. If Government could stoop to the expedient of Submission, What effect, even temporary, could it produce? Would the farmer, who took up arms in 1786,

to

shake off the payment of twenty Shillings for Tithe, be satisfied to pay the same number of Shillings, under the name of Commutation, in the Year 1787?

But it may be suggested, to obviate what is said of the effect of this Innovation on the minds of Englishmen, that a like change will probably take place in England ; as a Commutation is a favourite measure with some persons of weight and importance in that kingdom. This indeed we see proclaimed in News-papers, with a degree of triumph very ill placed. For if that be the case, it is evident, that the English Administration and Legislature are too wise to countenance such an innovation *there*. But were they to adopt it, and were it expedient *there*, even that example would be no authority for *this kingdom* ; from the different situation of the two Churches. That of England is completely settled. That of Ireland is scarce half advanced to a settlement. The Country in England is divided into parishes so small, that every district is accommodated with a Church, and House for a resident Minister. The Country in Ireland is divided into parishes and Unions so extensive, that it is *physically* impossible for the Clergyman to perform his duty properly ; and few of those parishes are furnished with Glebes, and still fewer with Houses, a defect which an impoverished Clergy can never supply. The higher ranks of the Clergy in England are supported by the Lands belonging to ancient Chapters, or other religious establish-

F

ments.

ments. The ecclesiastical Dignities in Ireland depend on Tithes.—In England, the legal rights of the Clergy, including Tithe of those articles which constitute the food of the poorest class, are not withheld by Mobs, by Associations against Law, by arbitrary Resolutions of one House of Parliament; In many parts of Ireland, particular kinds of tithes are already given up by the Clergy to the violence of the Populace, to illegal Combinations, to a want of confidence in the Oaths of *

Jury-

* The reader will judge of the reasonableness of such want of confidence, by the following fact, which happened near forty years ago. The Minister of the parish of Donogh, in the Diocese of Clogher, sued in the Spiritual Court for the Tithe of Hay subtracted: a *modus* was pleaded, and a prohibition granted. The trial came by Record to the assizes of Monaghan. The Clergyman proved, by the Oaths of Oliver Ankettle, Esq; a Member of Parliament, and Robert Maxwell, Esq; each of whom had a large quantity of Hay in the parish, that they had uniformly paid Tithes of Hay in kind, and that the same had been paid uniformly in the parish during their memory. Their testimony was corroborated by the evidence of a Mr. Soden (who had been tithe-farmer of that parish above forty years before the trial) that he had constantly agreed for the Tithe of Hay, as for the Tithe of Grain. This evidence was further supported by the testimony of other Credible witnesses. The witnesses, adduced on the other side, were *vagrant beggars who had no settled habitation*; who swore, that they knew nothing paid, but 6d. Hay and 6d. Flax. Their testimony was admitted, and a Verdict found against the Clergyman. Lord Chief Justice Singleton, before whom the Cause was tried, was so astonished at the Verdict, that he repeatedly recommended to the Jury to reconsider it, which they refused. But he was so sensible of the infamy of it, that he refused to certify it to the Court, from whence the Record issued. Another judge afterwards, on a second trial with the same evidence, certified the Verdict. The neighbouring Clergy, intimidated by this decision, gave up the Tithe of Flax as well as Hay, notwithstanding the Tithe of Flax was not in question.

Jury-men, and to the dread of displeasing the House of Commons. In many parts of Ulster, Potatoes, the Food of the poor, are totally exempted (as above) from paying Tithes, and Flax, the material of their industry, is subject (very wisely and equitably to be sure!) to the payment of six-pence only, let the quantity be *great or small*. The landed Gentlemen grudge not to the Clergy the entire privilege of contributing to the relief, or employment of the Poor. But still they do not forget entirely, that the Clergy could spare somewhat even to *them*, for with the same Distributive Justice they fixed a rate (which they are pleased to stile a *Modus*) of 6d. for any quantity of Hay, *great or small*: By this happy expedient completing that admirable plan for the Depopulation of the Kingdom, begun so hopefully by their Representatives in the vote on Agistment. In England, Tithe in kind is given without murmuring; for in England, Property is considered as a thing sacred: and the landed Gentleman does not look with indifference on forcible invasions of it, though he allows his Tenant a comfortable maintenance; in Ireland, the Clergyman is reviled, even in the great Councils of the Nation, as an Extortioner, for asking half the value of his Tithe; and represented as an Oppressor of the Poor, because he does not contribute more than half his tenth, to help the cottager to pay an exorbitant Rent for the other nine parts; no credit being allowed to him, for giving up his Tithe of

all the Grass-lands, and several other articles, from love of peace, *not from ignorance of the legality of the demand.* The Ascendency of the Established church, and the Protestant interest, is *secure* in England. Though there are Dissenters of many various denominations, yet their united number is trifling, compared to that of the members of the Established Church; and they are almost all *Protestants.* In Ireland, the Protestants are not one-fourth of the people; the members of the Establishment, little more than an eighth. The landed Gentleman in England has no reason to apprehend the growth of Popery; nor, should it prevail, has he the *same* motives to dread it as the landed Gentleman in this Kingdom. Let then the trial, if such an attempt is to be risked any where, be made in the Sister-kingdom; this country surely is not a proper scene for hazardous *experiments* on the Protestant interest. by checking the progress of the National Church. And yet I hope I may venture to prophesy, that little in comparison as England has to fear, her wisdom will prevent her from setting so dangerous an example; and that her Ministers are too wise, not to discourage such Innovations, as must ruin in *the Sister-Country* that Protestant interest, of which she is the Protectress, even in the remotest nations in Europe.

The

The last, and perhaps not the least injurious, consequence of a diminution of the Revenues of the Parochial Clergy, would be it's operation on the great Seminary of learning, from which this Kingdom derives so much credit and advantage. No ecclesiastical Benefice would hereafter tempt any of the senior Members of the College to retire; and the succession in consequence of Resignation [which is found to create 10 vacancies out of 11] would be entirely stopped. Thus the greatest inducement, because the only certain recompense, to literary efforts in this Kingdom, would be almost entirely withdrawn; and the number of learned men very considerably diminished. The Pupils themselves, three fourths of whom are destined for the Church, will become not only fewer; but being of an inferior station, would be less qualified from their School-Education to profit by the instruction of the Tutor, of less ability to recompense him for it, and by their poverty disabled to furnish themselves with the Books requisite for any considerable acquirements in learning. On the whole, this Seminary, founded for the support of the Protestant Religion, will share it's decline and ruin. And as the entire province of Education is in the hands of the Clergy, any measure, which tends to diminish the learning of the Members of that Body, must in the same degree diminish the Literature of the whole

whole Kingdom : A loss, which would be poorly recompensed by enabling the landed Gentleman to usurp the property of the Clergy, at the obvious risk of the whole of his just possessions, either by a change of Government or universal anarchy!

SECTION

SECTION VII.

*On the means of remedying the Defects in the
Settlement of the Church of Ireland.*

WHEN I stated, in a former Section, the Impediments, which obstruct the National Clergy in the discharge of their duty, I mentioned three principal ones, want of Churches; want of Glebes, and want of the universal use of the English Tongue. But as a mere knowledge of Grievances is of little avail, unless their Remedies can be likewise discovered; I shall, with the greatest deference, submit to the Publick judgment, such as have occurred to me, on a very mature consideration; hoping that their very Defects may be of some use, by inducing persons of greater penetration, and more extensive knowledge of the subject, to exert their abilities in supplying them.

From the Poverty of the bulk of the people, the first Impediment can be removed only by the Bounty of Parliament. But if in addition to the
Grant

Grant of a specifick Sum for the erection of Churches in *poor* Parishes, (that is, in Parishes where the Proprietors, as well as the Occupiers of the Lands, are not in Circumstances to contribute) there were likewise a vote of Credit, for a further indefinite Sum to be applied to the same purpose, in aid of Contributions, in such proportion as shall be thought proper; such a legal arrangement, becoming a matter of publick notoriety, might induce landed Gentlemen of large property, as well Absentees as Resident, to further this great object of Policy and Religion. It is no bad earnest of the probable effect of such a measure, that more than 70 Churches have been built, [The whole number of grants of money for Churches amounts to 95] within the space of 20 Years, by the limited fund of the Board of First-fruits; though the degree of encouragement, given by them to contributors, is by no means so universally known, as the regulations of a Publick Law. Besides that such a Sanction of the Legislature, to this, as a great National object, would of course draw attention from those, who are so deeply interested by their Property in the national Welfare. And the alarm, occasioned in *every thinking man* by the present Disturbances, would naturally increase that attention.

In respect to Glebes, it were to be wished, that a further Parliamentary Bounty might be extended to Parishes under £60 p^{r} ann. on which Clergy-
men

men could not be expected to procure a Glebe, and to build, without some aid. If the same vote of Credit were likewise to include a Grant to the Incumbent of a Parish in that description, of the Sum of £200, which would purchase ten Acres of good Land, or a proportionably greater number of inferiour quality, (provided he engaged and gave sufficient Security, within the space of two Years to erect a Glebe-house thereon) such an Encouragement would multiply considerably the Number of Clergymen resident on the smaller Benefices. For the procurement of Glebes on Livings above that value, which could not reasonably expect Parliamentary Augmentation, the following measure is submitted, That a Law be enacted, empowering the Incumbent to exchange a portion of his Tithes for a quantity of Land not less than ten, or exceeding twenty Acres, with the consent of the Patron and the Bishop; such Incumbent likewise engaging, as above, within two Years after the completion of such exchange to erect thereon a Manse. The reasonableness of obliging the Clergy, possessed of competent Benefices, to provide places of Residence, where it is practicable, and the impossibility of procuring Glebes, without a power of purchasing them with some part of their present income, obliges me to resort to this expedient. At the first glance, it may seem to clash with the opinion which I have delivered in a former Section,

with

with regard to the general Commutation of Tithe for Land; but on a nearer view will, I flatter myself, be found not inconsistent with it; the Exchange, in the case proposed, being purely voluntary, and of small extent; and the Land in question, to remain in the constant occupation of the Incumbent, who must improve it for the accommodation of his own family.

The third Impediment mentioned, is the want of an universal use of the English Tongue. This is a matter of infinite moment; and in every point of view extremely to be regretted. The difference of Language is a bar of Separation between the Descendants of the Irish and English, which too much pains cannot be employed to remove. It obstructs Religion; it embarrasses Civil intercourse; it prevents cordial Union. The removal of it has accordingly engaged the attention of the Legislature, from the Æra of the Reformation to the present. But in this, as in many other instances, sufficient care has not been taken to change the regulations of Law, in conformity to the alteration of Circumstances; and the Act of the 28th of Henry 8th, which the subsequent Acts are intended to enforce, is in many Parishes of the Kingdom, and in those too where it is most wanted, totally impracticable. But I shall not enlarge on this subject, as it will probably be
under

under the consideration of Parliament in the ensuing Session, (in consequence of the Resolutions of the House of Commons, with regard to Parish-Schools,) at which time such Amendments to the Act of Hen: 8. will be proposed, as were intended to have been brought forward by the Author in a separate Bill,

SECTION

SECTION VIII.

*On the Injury sustained by the Parochial Clergy
in their Property; and the Means of re-
instating them in their legal Rights.*

AS these papers may fall into the hands of Readers, the Distance of whose situation has prevented them from knowing, with what a degree of Cunning, as well as Outrage, the late Insurgents have proceeded; it will be necessary to state some leading Facts, by which they may be enabled to judge, in what manner, and to what extent, the legal Provision for the Clergy has been wrested from them; and whether it may by any, and what regulations of Law, be effectually restored. And such a Statement is the more necessary, as many of the most alarming instances of Outrage have not been noticed by the Publick Prints. Those Publications have been employed to vilify and malign the Clergy, by representing them as the Causes of the whole mischief, and to extenuate and apologize for the excesses of the Insurgents,

as

as if excited by Oppression from Tithes, rather than to call the attention of Fellow-citizens to protect a peaceable and helpless Class of men, despoiled by violence of their legal Rights, to rouse the Protestants to a just Indignation at the cruelty and indignities, with which many, and in that number, some of the most eminent and exemplary of their Pastors, were persecuted and driven from their Parishes by a Popish Mob; and to warn them of the natural consequences of permitting the Populace to feel the strength of Numbers against Law. To form a just idea of the danger to the Publick, as well as the Clergy, from this Insurrection, it is necessary to point out the Difference between the present and former Disturbances on the score of Tithes.

The Oakboys in the North, in the Year 1763, were for a short time almost as violent, and overran several Counties like a Torrent; but a severe check or two from the Army dispersed, and a few Capital punishments effectually quelled them. The Popular fury, not being stirred or afterwards kept up by designing men, had no Root, and soon died away. But the Present proceeding is not a Paroxysm of frenzy, originating with ignorant and rash Peasants; but a dark and deep scheme, planned by men skilled in Law, and the artifices by which it may be evaded. These enemies to the Publick Peace, and the Protestant
Clergy

Clergy (though nominal Protestants) suggested to the Farmers, to enter into a Combination under the sanction of an Oath, not to take their Tithes, or to assist any Clergyman in drawing them. And a form of Summons to the Clergyman to draw, penned with legal accuracy, was printed at Cork, at the expense of a Gentleman of rank and fortune; and many thousand Copies of it circulated with diligence through the adjacent Counties of Limerick, Kerry, and Tipperary. In order to render these Oaths universal, the Whiteboys, sometimes in numerous bodies, sometimes by Delegates from such bodies, tendered the Oath above mentioned (without any further threat, than that of taking a List of those, who did not swear) at the Romish Chapels, and Market-towns. At the same time, to avoid the appearance of intending to rob the Clergy of their whole Maintenance, they published, and the News-papers copied a Tithing-table; which however was never generally adopted by them, or adhered to by those who professed to adopt it. The rates proposed by their several parties varied in different Parishes, and in the same Parish at different times, diminishing as the terror of their numbers increased. In some Parishes, they were followed by a Resolution, to admit no Composition for Tithe. It is worth remarking, as an evidence that the *Poor* were not the Authors of this disturbance, and that *their* relief was not the

the *real* object of it's promoters, that the White-boys did not aim to render *Potatoes* Tithe-free; but from the beginning insisted on annihilating the payment of Tithe for *Hay*. But the most liberal Tithing-table, held forth by any one of their parties, would have reduced the income of the Clergy to such a level, as must have shut up a large proportion of the Churches in every part of the kingdom: In Connaught, would have left few remaining.

This Combination, as the contrivers of it well knew, was as effectual to deprive the Clergyman of almost his whole income, as *forcible* opposition; and had Tithes been their *only object*, they had no motive to proceed further. But this did not content them. *They took the Arms out of the hands of Protestants, whom they could not suspect of employing them in defence of Tithes.* They levied Ammunition; and money, for the express purpose of purchasing Ammunition, as well as providing for their support; (though their earnestness to arm themselves cannot be accounted for by any *present* necessity of securing themselves, or any efforts *hitherto* made by them to oppose his Majesty's Troops). They proceeded to greater acts of violence: to force individuals who had taken Tithe, to swear to break through their agreement; to menace and ill-treat persons who served Processes, or should appear at the Assizes to prove Contracts, for Tithes; to commit savage acts of cruelty

cruelty on the *Servants* of the Clergy ; at last to attack *their persons* ; to force them to swear to give up their property ; and even to demand a surrender of old Tithe-notes, to prepare Graves for them ; and to threaten some with Tortures and Death. They intimidated Vestries from levying money for the Repair of Churches,* for the payment of the legal salary of the Officers attending the Church, or the purchase of Elements for the Holy Communion ; nailed up one Church ; bound themselves by Oath to burn another. They broke open Gaols ; set fire to Hay and Corn ; and even to Houses, especially those occupied by the Army ; and at last had the audacity to threaten the Cities of Limerick and Cork, and the Town of Ennis, the Capital of Clare, with Famine ; and to take measures for interrupting a supply of Provisions, by publick menaces to fishermen and farmers. They threatened to burn the Town of Newmarket in the Diocess of Cloyne, unless a Whiteboy confined there was released. In addition to these publick outrages, the silent mischief occasioned by them is of an extent that can scarcely be calculated ; but I think I may venture to affirm, on the strength of my own Observation during the whole Summer,

and

* Since the first Edition of this Pamphlet, the Author has received an official account from a Parish in his Diocess, that the Inhabitants had refused payment of a Church-rate, and rescued the goods Distrained for the same by the Parish Officer.

and on a very extensive Correspondence, I may say, through the whole County of Cork * (the Diocesses of Cork and Ross having been put under my care in some degree, by their worthy Bishop, during his Absence for the recovery of his health) that so general a terror of violence from the common people prevails, that few persons, if any, think it prudent to distrain for Rent, or to process for Debt. A like Report has been made to me by Gentlemen of the County of Kerry; and I have seen a Letter from a Magistrate in the County of Clare, which in addition to these Instances of the uncertainty of property, adds, that in his neighbourhood he thinks that the populace would not permit trespassing Cattle to be led to the Pound.

— Into this state of savage Anarchy they have reduced the Province of Munster, and continue their nightly expeditions for their grand object, that of disarming the Protestants, and arming themselves, not only in that Province, but in that of Leinster, within 50 miles of the Capital. What were the motives, let the measures declare; What will be the effect on the Protestant Religion and Interest, and of course on the connexion of this kingdom with Great-Britain, unless the Legislature shall take a firm decided part, is too evident.

Now if the Whiteboys were to be considered as a mere riotous Mob, the experience of the

G

Oakboy

* The County of Cork contains more than two-fifths of the Inhabitants of Munster, and more than a tenth part of the Inhabitants of a whole Kingdom.

Oakboy Infurrection proves, that the effects of their proceedings would be only temporary : The Laws now in being might be sufficient. The Northern Clergy found themselves in the complete enjoyment of the Tithes, usually paid in their several parishes, in the following year ; and have remained so to this day. But the more dangerous scheme of silent combination will certainly require the interference of Parliament. This, being a species of attack on the legal rights of one class of the Subjects of this realm, hitherto unprecedented, constitutes a new Grievance ; for which it cannot be doubted, that the justice of the Legislature will provide a suitable Remedy. What Regulation is fittest to be adopted for that purpose, I shall not have the presumption to suggest. That is the province of persons of profound knowledge and experience in the Law. But that some expedient may be devised to check such Combinations, is not to be doubted. Nor is the Principle, on which the Regulation should be made, difficult to discover. The Legislature have frequently interfered to protect Individuals from the persecution of Numbers, and no case of Combination ever came before them, so highly deserving of their attention : None, in which the injuries were so unprovoked, the insolence so daring, the outrages so extensive and of so long continuance, the system so deep and full of publick danger of every kind, and the principal

will not content myself with saying
more

more inoffensive, but more respectable for their private characters, as well as venerable for their function. The Clergy, having no further wish than to be replaced in the situation, in which they stood before this new plan was devised to strip them of their legal rights, think they are entitled, as one class of his Majesty's Subjects, to look up to the Legislature for that Protection, which they are conscious they have never forfeited, either by want of Moderation in claiming their due, by a Factioned conduct, or by the neglect of the Duties of their office.

P O S T S C R I P T.

SINCE this Pamphlet was sent to the Press, *a Letter addressed to the Publick on the Subject of Tithes*, intended as an answer to Theophilus, has appeared in print. As far as this Publication attacks the Reasoning of that able writer, I should deem it Presumption in me to come forward in his defence. But as his Antagonist controverts some Facts, which it is in my power to support with unquestionable Authorities; I am called on by common justice to produce my testimony: the vouchers of which are not vague reports, but Original documents, or Copies of such Documents, ready to be attested on Oath, or Affidavits of most respectable men.

The Letter-writer says (p. 8.) “ I believe there
 “ are but *two* instances of any *personal attack* on
 “ Clergymen. The one indeed was treated in a
 “ very inhuman and savage manner, without
 “ the least cause that I have heard; but the other
 “ made himself obnoxious, by officiating otherwise
 “ than as a Clergyman; so that, on the whole, I
 “ see no reason for the alarm given by Theophilus,
 “ where he insinuates, that the Clergy labour
 “ under the continual apprehension of being put
 “ to the cruellest tortures, or massacred by a savage
 “ Banditti in the Day, or burned in their Beds

“ at

“at Night by nocturnal incendiaries.”* I hope it will not be thought a deviation from that Civility, to which this writer is so justly entitled by his own Moderation, to say, that he seems not to have taken the means of procuring that “accurate information,” for the supposed want of which he reproaches Theophilus.

I take it for granted, from his professed candour, that he must consider a Threat to take away a man’s Life or burn his House, if he does not give up his Property, as (virtually) a personal attack—If so, my Diocese alone would have furnished him with numerous instances of personal attacks on Clergymen. One (a Dignitary in my Cathedral) was forced to come out of his house at midnight, by a band of 150 Ruffians, to swear that he would give up his legal rights; a Gun being pointed close to his head whilst the Oath was tendered, and a Horse produced with a Saddle full of Spikes, on which he was to be mounted, if he refused to swear; A second was menaced (with dreadful imprecations) that he should meet a *most horrible reception*, if he did not obey

* By his description of the cases, I conceive he alludes to two Clergymen in the Diocese of Cashel: one of whom was taken out of his bed, carried away naked, and treated as he describes; but if in the second he alludes to a Clergyman, who in consequence of his acting as a Magistrate, was attempted to be assassinated, the Letter-writer has not been fully informed of his case; for the same gentleman had been before violently assaulted by the Whiteboys, had some of his ribs broken, was obliged to take refuge in his church (where he was confined a whole night) at a time when he was acting as a Parish-minister in the management of his Tithe, in the very manner prescribed by the Whiteboys, that is, without the assistance of a Proctor.

obey their Laws more punctually, though he by a publick Notice had declared Submission : A Third (with like imprecations) that he should be treated *inhumanly* and *barbarously* : A Fourth, that he should be severely punished, if he *dared* to officiate : A Fifth, if he did not discontinue a suit at law : and a Sixth, that his house should be burnt : A Seventh had his house (in the Town of Mallow) broken open at midnight, and his bed-chamber entered by a number of armed men, who forced him to give up his horses for their use : An Eighth narrowly escaped a visit from 300 men, having just before their arrival quitted the house, where he usually resided : A Ninth had his house surrounded in the dead of night by a hundred men for several hours, who endeavoured to force his gates ; the terror nearly occasioned the death of his Daughter, who was brought-to-bed the night before, [a fact which the assailants, who were his near neighbours, must have known] and by his anxiety for her, impaired the health of the Father. Tho' he sent word to the insurgents, that he would give up the whole of his Tithes, rather than endanger the life of his Child, they did not forbear their visits ; but repeated them, with the addition of shocking cruelty to a poor Labourer employed by him, whom they took naked out of his bed, brought to the gate of this Clergyman, they whipped him severely there, requiring him at every stroke to cry out to his Master, though they knew the cries would be heard by his Daughter, who was still confined to
her

her bed : A Tenth received a written message from the Whiteboys, declaring with their usual imprecations, that if he intended *such villainy*, as to set Tithe at the old rates, *they had prepared a pitched shirt for him, in which they would set him on fire* : The Eleventh (a Gentleman still more respectable for his character, than his *very advanced* age) after 44 years residence in his parish, where he had been a constant Benefactor to the Poor, received repeated messages, that his barn (a thatched building contiguous to his house) should be burnt, and he taken out of his bed: and the spectacle was exhibited, which would have disgraced the most uncivilized Country, of the dwelling of a man so venerable, protected for a length of time by a military guard. A band of 300 Whiteboys advanced within a mile of his house, on the first night appointed for the attack of it; but turned back, on hearing that it was guarded by soldiers. This outrage happened within thirteen miles of Cork, on the very day that Lord Luttrell left that City, on his progress to Kerry.

In the Diocesses of Cork and Ross, two Clergymen, resident on their respective Glebes, were attacked by numerous bodies of Whiteboys, and compelled to swear, that they would conform to their rules. Two others were obliged to retain Military Guards for a considerable length of time in their houses; one of whom had five of his horses cropped, from spite that his House was secure. The houses of both those gentlemen were visited

visited by the insurgents. A fifth may be said to have narrowly escaped a personal attack; for another gentleman, who was mistaken for him, was knocked off his Horse, and very severely beaten; and but for a timely discovery of the mistake, by the assailants' mentioning the name of the Clergyman, would probably have been killed. Many of the Clergy of those Diocesses received threatening messages and letters: In consequence of which menaces, two of them took refuge in Cork. * A Clergyman, now resident in Cork, a fortnight since received a Whiteboy message, that his ears should be cropped, and his tongue cut out of his mouth. On the whole, all the Clergy in the extensive County of Cork (of whom only I speak with the support of Authentic proofs) whose places of residence were in the Country, were under continual alarm, and obliged to arm themselves in the best manner they could; and had they not yielded to the violence of the insurgents, I am persuaded, would have been personally ill treated: perhaps buried in those Graves, which were in many places dug (professedly) for their reception—After this detail, let the reader judge, who of the two has the most “ac-
 “curate information” of Facts; the author of the Address, whose zeal for the preservation of the Protestant Religion is entitled to the warmest gratitude from every friend of it, whether Lay or
 Clerical;

* Of this last fact I have no other voucher, than a printed paper transmitted to me by a dignified Clergyman in the Diocese of Cork, but I am convinced of the truth of it.

Clerical; or the Gentleman who impeaches him for the want of Information.

The Letter-writer reproaches Theophilus severely (and I know not by what right, certainly not from the rules of equity or moderation, gives at least as large a share of reproach to the Ecclesiastical Courts, which he stiles, with an oblique sneer hardly worthy of himself, the COURT-*Christian*) for calling these lawless People, a "Popish Banditti, "spirited up by agitating Friars and Romish "Missionaries, sent hither on purpose to sow Sedition." His Terms, as well as Reasoning, I shall leave to *Theophilus* to defend (observing only, that a strong conviction of the truth, and apprehensions for the safety, of *Religion*, will naturally excite a Warmth, from which Indifference is a sure exemption) and I leave it likewise to him, to make good the assertion, that agitating Friars and Romish Missionaries have been *sent hither for the purpose of sowing sedition*. But I cannot help thinking the Letter-writer goes far, in *asserting* that *no such Friars or Missionaries have been found* in this Country; that is, that neither Theophilus, or any other person, has discovered any such. It is nearly impossible for any man to prove such a Negative proposition to *his own* satisfaction; and I am sure so *bold* an assertion will have little authority with *any other* man. But though I do not know on what Authority Theophilus speaks, I can very well conceive, that he may think the letters of Mr. O'Leary *calculated* to sow sedition. I do not say, that

that the reverend author *intends*, much less that he is sent *hither on purpose*; but in my poor opinion (which has however the sanction of every rational man, with whom I have conversed on the subject) his publications tend (and if such *were* his design, are *most artfully contrived*) to produce that effect. Let the Letter-writer and the Publick judge from his general Positions: I shall give them in his own words. Addressing himself to the Insurgents, whom he conceives to be of his own Religious Persuasion, at that time assembled in numerous armed bodies, for the avowed purpose of robbing the Established Clergy of their rights, he says, “ You will tell me, your Grievances are
 “ the cause: I doubt it not, my Brethren—I
 “ know you are oppressed and impoverished more
 “ than any set of the lower classes of people upon
 “ earth.”——“ Your Protestant fellow-subjects,
 “ *less oppressed than you are*, have sought a better
 “ situation in remote Countries.”——“ Far be it
 “ from me, to oppose the Redress of your Grievances.”——“ These disturbances originate in
 “ the dues of the Clergy—I would rather pay
 “ my Tithes, let them be ever so oppressive,
 “ than put my neck in the Halter, by violating the
 “ Laws of the Realm, let them be ever so severe!”
 alluding to the *Whiteboy Act*, which he thinks it expedient to tell the *Whiteboys* will be in Force till next June; and he quotes the Authority of Young (in his Tour thro’ Ireland) that “ the Clauses of it
 “ are better calculated for the Meridian of Barbary,
 “ than

“than for a Christian country.” He calls a
notice posted on the Chapels, cautioning the
 people, not to pay more than certain rates (*not*
a fourth part of the real value) for Tithes “a new
 “Plan, which however *moderate*, and though
 “certainly founded on your Poverty on one
 “hand, and the Oppressive manner of collecting
 “Tithes on the other, is yet improper.” He
 subjoins to his quotation from Young, “The
 “severer these Clauses are, the more you should
 “be on your Guard. Consider the danger to
 “which you are exposed from the Logick and
 “Eloquence of Crown-Lawyers, the Perjuries of
 “Witnesses, and the Prejudices of Juries. I am
 “informed that the one, who is to swear against
 “some of you, who are in Gaol, is one of the
 “greatest Villains in the kingdom, and escaped the
 “Gallows some years ago.” After his having
 pointed out so strongly and eloquently to the
 Insurgents the extent of their grievances, and ex-
 pressed his Sympathy with their distress and un-
 exampled misery, which he imputes *solely* to the
 persons employed by the Established Clergy, for
 he mentions *no other cause*; After expatiating on
 the severity of the Laws, *as not being fit for a*
Christian country, and warning them that they
 could not expect a fair Execution, even of those
 Cruel ordinances, from the Law-officers of the
 Crown, the Witnesses, or Jury; I think one may
 say with justice of *his Address to the common people*
 of

*of Ireland, particularly to such of them as are called Whiteboys, (printed in Dublin in 1786, and revised and corrected by himself,) that it is calculated to raise discontent and indignation in the Roman Catholick Peasantry, against the National Clergy, the Legislature, the Executive power, and their Protestant fellow-subjects *. He recommends to them however, to consider that "the way of the Cross, is the road to the Crown," to prevail on their Landlords, "whose interest it is, not to have a wretched and beggarly Tenantry," to present their memorial "of their Grievances (which of course could not relate to Rents,) to their friends in Parliament, who will listen to the Grievances of the Subject."*

In his third Letter to the Whiteboys, particularly those of the County of Cork, written after the insurgents had proceeded to regulate Wages and Hearth-money, to control Magistrates, and to deprive Landlords of their Rents, he represents the Harm, that would arise to them from such proceedings; and says, "As to your causes of Complaint from Proctors and Tithe-farmers, instead of waiting for the Relief, which the Wisdom and Humanity of the Parliament may in time and place suggest, you have" &c. "Could

* It is not entirely superfluous to observe, how much such an impeachment of the character of a Witness, by a Man out of Court, and not sworn, was calculated to give an unfair prejudice to the Juries, in Favour of the Whiteboys, who were then in Gael.

“ Could you be so devoid of common sense, as to
 “ imagine that such a conduct was the best
 “ method of deserving the attention and *compassion*
 “ of your Rulers ?” To take off however the un-
 favourable impresson, which Government might
 receive from these Outrages, *and to shew his good*
opinion of the original Whiteboys, who attack Tithes,
 he suggests an idea very singular indeed. “ If
 “ this Message (says he) be really an act of your
 “ meeting, some artful Incendiary, capable of work-
 “ ing upon your Intellects stupified by watching and
 “ intoxication, has crept in among you, EITHER
 “ TO CAUSE SOME CONFUSION IN THE
 “ STATE, from Motives best known, if not to
 “ himself, certainly to his Employer ; or from an
 “ expectation of obtaining a Reward for swearing
 “ away your Lives at the next Assizes.”——“ It
 “ is most likely, that some one, who would not
 “ much scruple to tell a Lie at the expense of your
 “ Lives, has written the Letter, or posted up the
 “ Notice.” Of what Class of men, or of what
 Persuasion, this supposed Miscreant could be, so
 much worse than men “ who had served a
 “ Twelve-months’ Apprenticeship to Licentious-
 “ ness,” he leaves the Reader to conjecture. He
 says that “ a Great person is in possession of
 “ whatever is to be laid before the Senate, who
 “ will listen to the complaints of the Subjects,
 “ —and whose Decision you should wait for with
 “ the Submission becoming Subjects:—therefore
 “ throw yourselves on the Mercy of your Rulers ;
 “ and

“and do not force them to forget, in the magnitude of your Offences, whatever may be the cause of your Complaints.”

As he has by this last Letter raised so high their expectations of a publick Redress of those Grievances, which he had painted in such lively colours in the former, let him suppose this matter agitated, as he wishes, in both Houses of Parliament. If on a fair and full discussion of the state of Munster, the determination of the Legislature should be, to support the Established Church, as part of the Constitution; and to continue to the Clergy the same power of employing such Stewards, Agents, or Proctors (for the terms are synonymous) in the management of their property, as other men possess; [especially as those Servants have been proved above * to be indispensably necessary to ascertain their Rights in a Court of Justice] or even to allow the Clergy the power of demising the tenth part of the produce, as the Landlord does the soil, to a Farmer; that is, in other words, that the Clergy, supposed to be a class of men the least proper to be immersed in secular affairs, should have at least the same allowance to employ Servants, as othermen: To what then will these Lectures of Mr. O'Leary tend? To tell the Insurgents, whose present violence borders upon High-Treason, that tho' he *knows*, that they are *more oppressed, than any set of beings in the world*; though he is convinced they had a right to expect Redress from the *Huma-*

nity

* See page 33.

nity of the Legislature (to whom, from a sympathy with their sufferings, he urged them to apply) yet the Legislature shew no compassion for them; they must remain in their Misery: "they have no Remedy, but that Patience, which softens the Afflictions of sufferers."——Is this Doctrine calculated to secure the publick Peace? Does it not rather tend to *sow Sedition*? or at least to let loose the Whiteboys on the Clergy, as their *sole* oppressors; as if neither high Rents or low Wages contributed to their Poverty? Is this fair treatment of the Clergy? Can Mr. O'Leary *dare to avow*, that he thinks the Tithes of the Clergy the *sole* cause of the Poverty of the Peasantry? He cannot: and yet he points them out to the Insurgents as such. I am sensible, he utters Panegyricks on some Clergymen: So did Mark Antony on Brutus and his confederates. † Shakespeare knew all the avenues to the human heart: And Mr. O'Leary seems not to be ignorant of them. Though I would wish to hope the *intentions* are different, yet the *effects* are too likely to be the same. I will beg leave to ask him a Question. If there were an insurrection of Protestants in Bohemia, for the purpose of robbing the Established Roman Catholic Clergy, (and there might have been Protestants enough, if the perfidious cruelty of the late Empress Queen * had not nearly rooted them out!)
and

† Shakespeare's Julius Cæsar.

* By transplanting them to Hungary, with a solemn promise of providing Settlements and Churches for them in that kingdom; which was not performed.

and a Protestant Clergyman had written two publick Addresses to the Insurgents, setting forth the oppression they had suffered from the *dues* of the Clergy, and suggesting to them, that they had a right to expect a Change in the arrangement of the Ecclesiastical Revenues, from the *Humanity* of the present Emperor; What does he imagine, that great and *tolerating* Prince would think of a Subject, who made *such* a use of his toleration?

Mr. O'Leary's Invitation of the Whiteboys to hear him preach in a Protestant Church against their taking that Church by force, [and he might have added, burning a new one,] if carried into execution, (however good his intentions might be in the proposal) would have afforded a Picture rather too humiliating of the state of the Church and Government of Ireland. I have no doubt the Church may rely on the Wisdom of that Government, and is not yet so far reduced, as to be supported

“ *Tali auxilio, et defensoribus istis.* ”

✍ The very great Haste with which this Postscript was drawn up, must account for my not taking notice of many other passages in Mr. O'Leary's letters, which I think liable to great exception; as well as for any inaccuracies of style.

APPENDIX,

APPENDIX I.

A Learned friend has favoured me with the following observations on the Proceedings in ecclesiastical Courts.—The Author of a letter on the subject of Tithes, where he professes to examine the Equity and Moderation of the Laws now in force, respecting Suits brought for the recovery of them, asks, “Is it Consistent or Equitable, that
 “a Court should exist, where a *single* Judge, not
 “possessing *perhaps* the Qualifications (there mentioned) shall decide in Tithe-Causes to any
 “amount; and if the sum does not exceed twenty
 “pounds, the Decree of that Judge shall be conclusive Evidence of the sum due, on bringing a
 “Civil Bill to enforce the Payment?” The Author here has *suppressed* a very important matter; he has not told his Readers, that the party aggrieved by any Sentence of an Ecclesiastical Court may appeal from that sentence, that such appeal is specially saved to the Party by the Tithe Laws, and that such appeal will be *finally* heard and determined by Judges Delegates appointed by Commission out of the Court of Chancery; and that some of the

H

Judges

Judges of the Land are always appointed Judges Delegates: And therefore it is a sufficient Answer to the Question of the Author of this pretended Discussion, that if the sentence of this *single Judge* is *not acquiesced in*, as a just and equitable sentence, it never can be given in evidence, on bringing a Civil Bill to enforce the payment of the sum decreed: and that if it be a Just and Equitable sentence, it is Consistent and Equitable, that it should be Conclusive Evidence, on the bringing of such Civil Bill; and that the party ought not to be permitted again to litigate, at the hearing of the, Civil Bill, a Demand, against which he has been already admitted to make a full Defence, and he has already admitted the Justice of the Decision of the Judge, who has tried the Merits of the Cause on full Evidence; because such Proceedings would be contrary to all Law, and would encourage an infinity of Litigation.

“ The Author of the pretended *Discussion* then states, or rather insinuates, that the Ecclesiastical Judges are often *interested* in the Causes they decide, and that such conduct in Judges, is attachable by the Court of King’s Bench.” The Answer to this Insinuation, is an absolute Denial to the Truth of it; for no Vicar General in this Kingdom ever did attempt to decide any Cause, in which he was interested.— The Author perhaps means to insinuate, that as some Vicars General in this Kingdom
are

are Clergymen, and hold Benefices in the Diocesses, of which they are Vicars General, they are therefore interested in all Tithe-Causes, which are instituted in their respective Courts by any Incumbents within their respective Diocesses; because the support of the Right and Title of the Clergy to Tithes, is the Common Cause of all Beneficed Clergymen.—The Answer to this is, that such Objection is too extensive, and will equally lie against *all* the Judges of the Land, in all Causes which come before them between Landlords and Tenants: because every one of these Judges are themselves Landlords and have Tenants; and it may with equal Justice be alledged, that the support of the Right and Title of Landlords to their Rents, is the Common Cause of all Landlords.

The Author then goes on, and states that “it is vexatious, oppressive, and expensive, for a poor *Cottager* (omitting wealthy Farmers, and Gentlemen of Landed Property) to be obliged to go from one Extremity of a County to another, to an Ecclesiastical Court, for not submitting to every demand of a Proctor.” See now how *fairly* the Author states this Case; he takes care to mention none but *poor Cottagers*, who will be subject to his supposed Inconvenience; thereby endeavouring to persuade his Reader, that as the going from one Extremity of a County to another, must be a great and a manifest Inconvenience to a *poor Cottager*, that therefore

it is a great and manifest Inconvenience to *all* Persons. This is the old Sophistical method of argument, from Particulars to Generals: But however it is easy to shew, that neither *poor Cottager*, nor rich Farmer, nor Gentleman, can be made subject to such Inconvenience, but from their own Default or Injustice: And that such Inconvenience is as great, (and much more grievous, because unmerited) on the Proctor and Incumbent. For as well the poor Cottager, as rich Farmer, and Gentleman, may save themselves the trouble and inconvenience of such a journey, by making Compositions for their respective Tithes with the Incumbent or Proctor; and if either the Incumbent or Proctor should demand an unreasonable sum, by way of Composition, the Cottagers, Farmers, and Gentlemen, have it in their option, to give the Incumbent or Proctor the tenth part of the crop in Kind, and thus save themselves the trouble of a Journey; which they cannot be obliged to perform, except through their own fraud and injustice, in subtracting the Tithe from the Incumbent or his Proctor.—And the consequence of such their fraud and injustice falls as heavy at least on the Incumbent or his Proctor, as on themselves; because on such occasions the Incumbent or his Proctor, and his Witnesses, are obliged to perform as long a journey, as the Cottager, Farmer, or Gentleman; and that too, not in consequence of any default in themselves, but merely on account of the fraud and injustice of the Cottager, Farmer, or Gentleman.

This

This complaint of the *length* of the journey, which the Cottager, Farmer, or Gentleman, is obliged to take on account of his own fraud or injustice, is the *more* absurd, when it is considered, that they are obliged to take as long journies at least, on all occasions when they are obliged to apply to the Laws for Relief, or when they are called upon to attend a Court of Justice, in order to defend themselves from claims made on them by others; because the Town in each County, where the Assizes and Quarter Sessions are held, is at least as far distant from the respective habitations of the inhabitants of a County, as the Town in which the Bishop's Court is held. And neither Cottager, Farmer, or Gentleman, can be obliged to attend a Bishop's Court, more than once in a year, on the score of Tithes, as the Law now stands: whereas they may be obliged, many times in a year, in proportion to their own litigiousness, fraud and injustice, to attend the Assizes or Sessions.

The Author of the pretended Discussion, by Hints and Innuendos in direct contradiction to Fact, endeavours to persuade his Readers, that the method of suing for Tithes in Ecclesiastical Courts, is very *expensive* to the parties sued.

“ *He hints a fault, and hesitates dislike.* ”—But he dares not to assert openly, that such proceedings

in Ecclesiastical Courts are expensive to the parties sued, because he would then, by the bare recital of the Tithe-Laws, be convicted of direct Falshood. Let us compare the practice of the Temporal and Ecclesiastical Laws together, on the head of Expense.

By the Tithe-Act of the 7th of his present Majesty, no Costs can be given against a party in a Tithe Cause, greater than one pound six shillings and eight pence; And the Extra-Costs to the persons employed by a party sued in the Ecclesiastical Court, on the score of Tithes, do not usually amount to a Guinea, and may perhaps not amount to a Shilling.

The Costs in any Action at Law, tried in any of his Majesty's Courts in Dublin, for the recovery of any sum whatsoever, amount to twenty Guineas at least, to each party, the Plaintiff as well as Defendant: and if tried at an Assizes Town, to thirty Guineas each at least.

If a man be sued for Substraction of Tithes by Bill in the Court of Exchequer, and a Decree obtained against him, the Costs alone, which he incurs, will amount to two or three hundred Pounds. For the truth of the above Positions, let the Author of the pretended *Discussion* apply to any practising Attorney in the Four-Courts.

Let

Let the Reader now judge, with what justice
the professed Friend to Equity and Moderation,
this *accurate and rapid Discussor* exclaims at the
End of his Pamphlet,

“ From such Equity and Moderation, free from
“ Vexation, Oppression and Expense,
“ Good Lord, deliver me !”

APPEN-

A P P E N D I X II.*

14 Oct. A. D. 1768.

EXCELLENTISSIMUS et Reverendissimus Dominus, *Nuntius Apostolicus Bruxellensis, Thomas-Maria Ghilini, Archiepiscopus Rhodiensis*, Nobilitate Doctrinâ et Pietate conspicuus, *Litteras dedit verè aureas, Cedroque dignas, ad Quatuor Hiberniæ Metropolitanos*. Earum porro Tenor ad Archipræsulem *Dubliniensem* est hujusmodi.

“ Illuſtriſſime et Reverendiſſime Domine,

“ Officii mei Debitum erga bonos Catholicos
 “ iſtius Regni Me cogit, urgetque, ut excitem
 “ Illuſtriſſimæ Dominationis veſtræ Zelum, quo
 “ inſimul obviam ire ſtudeamus graviffimo incom-
 “ modo, quod parari ſignificatum Mihi fuit, atque
 “ in parte etiam Executioni mandari, in ſpirituale
 “ Damnum iſtius miſeræ copioſiſſimæ Chriſtianæ
 “ Gentis. Teſtes omni Fide digniſſimi retulêrunt
 “ Mihi, ab homine Hæretico conceptam, &
 “ ejuſdem Hæretici manu conſcriptam quandam
 “ Formulam Juramenti fuiſſe, cujus exemplar
 “ hiſce accludo, atque Catholicis ſub eo blando
 “ prætextu oblatam, ut ſi tale Juramentum Guber-
 “ nio præſtare non abnuant, rationabiliter ſperare
 “ poſſint, fore ut ab eodem Gubernio revocentur
 “ abolean-

* See Page 22.

“ aboleanturque Leges illæ Pœnales, sub quibus â
 “ tam longo tempore ingemiscunt. Additum de-
 “ inde Mihi fuit, nonnullos cùm Laicos, tum
 “ Ecclesiasticos, Episcopos etiam jam illud præf-
 “ tare tam imprudenter non erubuisse, aliosque
 “ præterea paratos fore ad illud præstandum; ut ve-
 “ rendum Mihi sit, ne talis ac tanta inordinatio
 “ brevè ita dilatetur, ut ferè Communis sit evasura.

“ Si Regimen hanc perniciosissimam invexisset
 “ Novitatem, exigeretque hujus novi juramenti
 “ præstationem, comminando Catholicisni Exter-
 “ minium, quatenus ipsi non præstarent; quanquam
 “ nullus foret Catholicus Excusatione dignus, qui
 “ tam irrationabili cederet violentiæ, saltem tamen
 “ minùs indigni Commiseratione ii forent, qui ad
 “ avertendum periculum se flecti paterentur; Ve-
 “ rùm quòd Catholici, qui longo jam tempore pati
 “ consuevêrunt, summâ cum Edificatione eximi-
 “ -âque Constantiâ, Leges Pœnales vigentes, utique
 “ severas, sed non contrarias professioni et Exer-
 “ citio Catholicæ Religionis, et toleratas ab ipsis
 “ usque huc cum incredibili Animi Submissione,
 “ nunc sponte sese offerant, id suadente ac fugge-
 “ rente homine è Pseudo-reformatorum grege,
 “ conficere Actum publicum, qualis iste est, multis
 “ capitibus summè reprehensibilem; is foret Ex-
 “ cessus omnium maximus, et adeo intolerabilis
 “ et scandalosus, ut Sancta Sedes, Custos inte-
 “ gritatis nostræ Religionis, nullatenùs eum posset
 “ dissimulare, quin potius gravi ac publicâ Censurâ
 “ constringere cogeretur.

“ Pluribus

“ Pluribus rationibus vituperabile est, et in-
 “ dignum Præsulibus Catholicis, novum juramen-
 “ tum; sed et prorsus intolerabile, si spectetur illa
 “ *Protestatio*, quam habet adnexam, videlicet—*Abo-*
 “ *minationis, ac Detestationis ex corde ejus Doctrinæ,*
 “ *quæ veluti abominanda, ac perniciofa declaratur.*—

“ Notum esse debet Eruditioni suæ, *Doctrinam*
 “ hanc, quæ *detestabilis* asseritur in hoc juramento,
 “ eam *defendi et propugnari à plerisque Nationibus*
 “ *Catholicis, eandemque in Praxi pluries secutam fuisse*
 “ *Apostolicam Sedem.* Quapropter nequaquam ea
 “ potest, uti *detestabilis ac abominanda à viro*
 “ *Catholico* declarari, quin talis Assertio notam in-
 “ currat propositionis temerariæ, falsæ, scanda-
 “ losæ, et Sanctæ Sedi injuriosæ. Præterea se Sa-
 “ *cramentó* adstringi, prout nova præscribit Formu-
 “ la, semper futurum fidum, ac *fidelem suæ Majesta-*
 “ *ti*, idque postea explicatur, juramentó affirmare
 “ *juxta* Sensum—per *leges Hibernicas* intentum,
 “ valde est Mihi dubitandum; quod quemadmodum
 “ *Leges Angliæ et Hiberniæ* recognoscunt *Regem,*
 “ *uti Caput Ecclesiæ, et Fontem ejus spiritualis Auc-*
 “ *toritatis*; ita qui præstat tale juramentum, pro-
 “ mittitque suæ Majestati fidelitatem juxta præ-
 “ scriptum *Hiberniæ* legum, possit et ipse recog-
 “ noscere *Regem, uti caput Ecclesiæ, et fontem*
 “ *ejus spiritualis auctoritatis.* Si forte hæc esset, aut
 “ esse posset talium verborum intelligentia, Do-
 “ minatio vestra Illustrissima, et quilibet alius ex
 “ ipsis

“ ipsis Catholicis animadvertere debet, hunc esse
 “ Errorem manifestum; ac directè contrarium prin-
 “ cipiis Religionis Catholicæ, quæ unicum agnos-
 “ cit *caput, et Fontem totius Spiritualis Auctorita-*
 “ *tis, Romanum nempe Pontificem;* atque hinc ap-
 “ paret, quantum etiam ex hoc capite culpabile foret
 “ atque detestandum tale juramentum, quoniam
 “ DEUS, in Testem et vindicem Erroris, per illud
 “ assumeretur.

“ Cùm itaque adeo irregulare & reprehensibile sit
 “ hujusmodi juramentum, Quis, quæso, animo
 “ revolvere poterit, quo acerbissimo dolore per-
 “ cellendus sit pientissimus animus Sanctissimi
 “ Patris, cùm primùm ad aures ejus pervenerit,
 “ Catholicos Laicos, Ecclesiasticos, & etiam Epif-
 “ copos sese obtulisse, aut minimè repugnantes
 “ sese ostendere, in præstando Regimini, à quo
 “ non postulatur, tale juramentum; quin priùs
 “ Sanctam Sedem interpellaverint, ejusdemque
 “ Oraculum audierint, juxta laudabilissimum
 “ Spiritum filialis observantiæ, ac subordinationis
 “ debitæ Vicario Jesu Christi, eorum Pastoris &
 “ Capitis, & ejus Conformitatis, quam quilibet
 “ Centro Unionis Catholicæ servare debet; quod
 “ singulari eximiâque Veneratione professa est
 “ INCLYTA NATIO HIBERNICA, CUM
 “ TANTA GLORIA SUI NOMINIS IM-
 “ MORTALIS.”

Propter

“Propter has rationes mihi facilè suadeo, quæ ad nos delata sunt, in omni suâ parte vera non fuisse. Nihilominus ne in re tam gravi officio meo deesse videar, muneris mei indispensabilis esse duxi, hæc ad Illustrissimam Dominationem Vestram scribere, ut suum pastoralem Zelum excitem; quatenus si supra-memorata vera existant, ratione sui spectabilis ministerii, omni cum efficacîa ac prudentiâ, promptiora ac magis apta incunctanter afferat Remedia, quæ ulterior progressus tam perniciosæ & scandalosæ inordinationis impediatur; revocetque ad propria officia, ut interim datum scandalum reparent, eos qui jam tale præstitissent *juramentum*; quod cæteroquin, *quemadmodum in totâ suâ extensione est illicitum, ita naturâ suâ est irritum, ac nullum, nulliusque valoris, ut minimè conscientias adstringere & obligare possit.* Ipsa deinde curet oportet modis omnibus, qui sibi opportuniore ac efficaciores videbuntur, & suæ prudentiæ magis conformes, ut Episcopis suis Suffraganeis ostendat, & eorum organo omnibus Fidelibus, qualem Reatum nova hæc Juramenti formula adnexum habeat; & quam grave Peccatum perpetrarent ii, qui illud vel præstare paratos se præbeant, vel malo etiam infortunio jam præstitissent.”

“Hinc omnes incitare debebit, ut vigentes Pœnales Leges, quas huc usque tam laudabili Constantiâ pertulêrunt, & perferre pergant; potius quam, ut
ab

ab iisdem sese eximant, confugiant ad Medium adeo illicitum & peccaminosum, cum tanto damno propriarum Animarum, ac ipsius Religionis, quæ sensum sine sensu ita minorabitur, ut peritura sit in corde istorum Catholicorum, si, secuti exemplum priorum Pastorum, adeo benignas aures præbebunt carni & sanguini, ac magis audient fallaces suggestiones inimicorum nostræ sanctæ Catholicæ Religionis, quàm veram & salutarem doctrinam veri eorum Patris & Supremi Pastoris; quod absit! Et dum, pro nostri animi consolatione, quam citissima & plenissima expectamus responsa, quemadmodum suus zelus in re tam gravi sese prodiderit, singulari dicimur Estimatione

Illustrissimæ & Reverendissimæ Dominationis Vestræ

Bruxellis, 14 Octobris 1768.

Observantissimus Famulus,

THOMAS-MARIA, ARCHIEPISCOPUS
RHODIENSIS,

NUNTIUS APOSTOLICUS.

Archiepiscopo Dubliniensi.

A P P E N D I X III*.

*The OATH taken by a Bishop before
Consecration.*

See Pontificale Romanum.

EGO N. Electus Ecclesiæ N. ab hac horâ in
antea fidelis & obediens ero beato *Petro*
Apostolo, sanctæque *Romanæ Ecclesiæ*, & Domino
nostro, Domino *Papæ N.* suisque successoribus
canonicè intrantibus.

Non ero in consilio, aut consensu, vel facto,
ut vitam perdant, aut membrum; seu capiantur
malâ captione; aut in eos violenter manus quo-
modolibet ingerantur; vel injuriæ aliquæ infe-
rantur, quovis quæsito colore.

Consilium vero, quod mihi credituri sunt per
se, aut nuntios suos, seu literas, ad eorum dam-
num, me sciente, nemini pandam.

“*Papatum Romanum*, & Regalia sancti *Petri*,
“adjutor eis ero ad retinendum, & defendendum,
“salvo meo ordine, contra omnem hominem.”

Legatum Apostolicæ Sedis in eundo, & redeun-
do honorificè tractabo, & in suis necessitatibus
adjuvabo.

“Jura,

* See Page 23.

“Jura, honores, Privilegia & auctoritatem
 “Sanctæ *Romanæ* Ecclesiæ, Domini nostri Papæ &
 “successorum prædictorum, conservare, defendere,
 “augere & promovere curabo.”

Neque ero in consilio, vel facto, seu tractatu,
 in quibus contra ipsum Dominum nostrum, vel
 eandem *Romanam* Ecclesiam, aliqua sinistra vel
 præjudicialia personarum, juris, honoris, statûs
 & potestatis eorum machinentur. Et si talia à
 quibuscumque tractari, vel procurari novero,
 impediam hoc pro posse; et quanto citiùs potero,
 significabo eidem Domino nostro, vel alteri, per
 quem possit ad ipsius notitiam pervenire.

Regulas sanctorum Patrum, decreta, ordina-
 tiones, seu dispositiones, reservationes, provisiones
 & mandata Apostolica totis viribus observabo, &
 faciam ab aliis observari.

“Hæreticos, Schismaticos & Rebelles eidem
 “Domino nostro, vel successoribus prædictis, pro
 “posse persequar, & impugnabo.”

Vocatus ad synodum veniam, nisi præpeditus
 fuero canonicâ præpeditioe.

Apostolorum limina, singulis trienniis, personaliter
 per me ipsum visitabo; & Domino nostro, ac suc-
 cessoribus præfatis rationem reddam de toto meo
 Pastoralis Officio, ac de rebus omnibus ad meâ
 Ecclesiæ

Ecclesiæ statum, ad cleri & populi disciplinam, animarum denique, quæ meæ fidei traditæ sunt, salutem, quovis modo pertinentibus; & vicissim mandata Apostolica humiliter recipiam, & quam diligentissimè exequar.

Quòd si legitimo impedimento detentus fuero, præfata omnia adimplebo per certum Nuntium, ad hoc speciale mandatum habentem, de gremio mei capituli; aut alium in dignitate Ecclesiasticâ constitutum, seu aliàs personatum habentem; aut, his mihi deficientibus, per diæcesanum Sacerdotem; & clero deficiente omninò, per aliquem alium Presbyterum, sæcularem vel regularem, spectatæ probitatis & religionis, de supradictis omnibus plenè instructum. De hujusmodi autem impedimento docebo per legitimas probationes, ad Sanctæ Romanæ Ecclesiæ Cardinalem proponentem, in Congregatione sacri concilii, per supradictum Nuntium transmittendas.

Possessiones verò ad mensam meam pertinentes non vendam, nec donabo, neque impignorabo; nec de novo infeudabo, vel aliquo modo alienabo, etiam cum consensu Capituli Ecclesiæ meæ, inconsulto Romano Pontifice. Et si ad aliquam alienationem devenero, pænas, in quâdam super hoc editâ constitutione contentas, eo ipso incurrere volo.

F I N I S.

